THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

FEDERAL REGISTER

VOLUME 6 NUMBER 164

Washington, Friday, August 22, 1941

The President

EXECUTIVE ORDER

ESTABLISHING THE KODIAK NATIONAL WILDLIFE REFUGE

ALASKA

By virtue of the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 37 Stat. 497, it is ordered that, for the purpose of protecting the natural feeding and breeding ranges of the brown bears and other wildlife on Uganik and Kodiak Islands, Alaska, without undue interference with the raising of cattle and other livestock thereon, both wildlife and livestock being of economic value to the inhabitants of the islands, all of the hereinafter-described areas of land and water of the United States lying on Uganik Island and on the western portion of Kodiak Island, Alaska, comprising 1,957,000 acres, more or less, be, and they are hereby, subject to valid existing rights, withdrawn and reserved for the use of the Department of the Interior and the Alaska Game Commission as a refuge and breeding ground for brown bears and other wildlife for carrying out the purposes of the Alaska Game Law of January 13, 1925, 43 Stat. 739, U.S.C., title 48, secs. 192–211, as amended:

SEWARD MERIDIAN

All of Uganik Island located near the north end of Kodiak Island in approximate latitude 57°53′ N., longitude 153°21′ W.;

All of that part of Kodiak Island lying west of the following-described boundary:

Beginning at an initial point at a gap on the divide between the waters of Kizhuyak Bay and Ugak Bay located approximately one mile west of the summit of Crown Mountain in approximate latitude 57°36′ N., longitude 152°56′30″ W., and from said initial point northeasterly with the main drainage course to the south end of Kizhuyak Bay, and also from said initial point with the main drainage course southerly to the western reaches of Ugak Bay, excepting from the above-described area the proposed Indian Reservation for the inhabitants of the native village of Karluk, Alaska, authorized by section 2 of the act of May 1, 1936, 49 Stat. 1250, described as follows:

Beginning at the end of a point of land on the shore of Shelikof Strait on Kodiak Island, said point being about one and one-quarter miles east of Rocky Point and in approximate latitude 57°39′40″ N., longitude 154°12′20″ W.;

Thence south approximately eight miles to latitude 57°32′30″ N.;

Thence west approximately twelve and one-half miles to the confluence of the north shore of Sturgeon River with the east shore of Shelikof Strait;

Thence northeasterly following the easterly shore of Shelikof Strait to the place of beginning, containing approximately 35,200 acres.

None of the above-described lands, except a strip one mile in width along the shore line, shall be subject to settlement, location, sale, or other disposition under any of the public-land laws applicable to Alaska, or to classification and lease under the provisions of the act of July 3, 1926, entitled "An Act to provide for the leasing of public lands in Alaska for fur farming, and for other purposes", 44 Stat. 821, U.S.C., title 48, secs. 360–361, or the act of March 4, 1927, entitled "An Act to provide for the protection, development, and utilization of the public lands in Alaska by establishing an adequate system for grazing livestock thereon", 44 Stat. 1452, U.S.C., title 48, secs. 471–471o: *Provided, however,* That as to the said strip of land one statute mile in width bordering on the shore lines, primary jurisdiction thereover shall remain in the General Land Office of the Department of the Interior, and its reservation and use as a part of the Kodiak National Wildlife Refuge shall be without interference with the use and disposition thereof pursuant to the public-land laws applicable to Alaska: *Provided further,* That any lands within the described areas that are otherwise withdrawn or reserved shall be affected by this order only so far as may be consistent with the uses and purposes for which such prior withdrawal or reservation was made: *And provided further,* That upon the termination of any private right to or appropriation of any public lands within the exterior limits of the areas included in this reservation, or upon the revocation of prior withdrawals unless expressly otherwise provided in the order of revocation, the lands involved shall become a part of the refuge.

CONTENTS

THE PRESIDENT

RULES, REGULATIONS, ORDERS

(Continued on next page)

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year; single copies 10 cents each; payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

CONTENTS—Continued

The provisions of this order shall not prohibit or limit the hunting or taking of brown bears or other game animals or game birds or the trapping of fur animals in accordance with the provisions of the said Alaska Game Law, as amended, and as may be permitted by regulations of the Secretary of the Interior prescribed and issued pursuant thereto.

So far as any of the above-described lands are affected thereby, the reservation made by this order shall supersede the temporary withdrawal for classification and other purposes made by Executive Order No. 8344[1] of February 10, 1940.

Nothing in this order shall be construed to preclude the exercise of, or to limit, the authority of the Secretary of the Interior under the provisions of section 2 of the act of May 1, 1936, c. 254, 49 Stat. 1250, or of other existing laws, to designate Indian reservations on the areas hereby reserved at such time or times as it may become necessary or desirable to do so. The designation of any such Indian reservation by the Secretary of the Interior shall effect the removal of the lands included therein from the refuge established hereby.

This reservation shall be known as the Kodiak National Wildlife Refuge.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
August 19, 1941.

[No. 8857]

[F. R. Doc. 41-6237; Filed, August 20, 1941; 12:12 p. m.]

EXECUTIVE ORDER

TRANSFERRING THE CONTROL AND JURISDICTION OVER CERTAIN LAND FROM THE SECRETARY OF THE INTERIOR TO THE SECRETARY OF WAR

VIRGIN ISLANDS

By virtue of the authority vested in me by the act of March 3, 1917, c. 171, 39 Stat. 1132, and the Second Deficiency Act, Fiscal Year 1931, and as President of the United States, it is ordered that the tract of land situate on Crown Mountain, Island of St. Thomas, Virgin Islands, described more particularly below, be, and it is hereby, subject to valid existing rights, transferred from the control and jurisdiction of the Secretary of the Interior to the control and jurisdiction of the Secretary of War, for use for national defense purposes:

All that certain tract of land designated as "Parcel No. 5" on property line survey map prepared and on file in the United States Engineer Office, Puerto Rico District, San Juan, Puerto Rico, October 24, 1940:

Beginning at point P, common to parcel 2, parcel 1 and parcel 5 indicated on said map, thence southeast 18°45'-00" E., 117.35 feet to point 293 common to the Homestead Commission Parcel and parcel 5; thence south 43°27'20" W., 300.64 feet along the line common to parcel 5 and the Homestead Commission parcel to point 1079 which is common to the Homestead Commission parcel, Encarnacion Vazquez Parcel, parcel 4 and parcel 5; thence N. 17°59'39", 312.95 feet along the line common to parcel 4 and parcel 5 to point N which is common to parcel 4, parcel 2 and parcel 5; thence N. 83°11'40" E., 267.63

[1] 5 F.R. 654.

feet along the line common to parcel 2 and parcel 5 to the point of beginning containing therein 1.301 acres more or less.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
August 19, 1941.

[No. 8858]

[F. R. Doc. 41-6236; Filed, August 20, 1941; 12:11 p. m.]

EXECUTIVE ORDER

SUSPENSION OF EIGHT-HOUR LAW AS TO MECHANICS AND LABORERS EMPLOYED BY THE WAR DEPARTMENT IN THE CONSTRUCTION OF PUBLIC WORKS IN THE TERRITORY OF HAWAII NECESSARY FOR THE NATIONAL DEFENSE

WHEREAS the War Department has commenced the construction of cantonments, air fields, fortifications, and other public works in the Territory of Hawaii which are necessary for the national defense; and

WHEREAS the interests of the national defense require the completion of such public works at the earliest practicable date; and

WHEREAS by section 1 of the act of August 1, 1892, 27 Stat. 340, as amended by the act of March 3, 1913, 37 Stat. 726 (U.S.C., title 40, section 321), the service of all laborers and mechanics employed by the Government upon any public work of the United States is limited to eight hours in any one day except in case of extraordinary emergency; and

WHEREAS it appears that unless such limitation is suspended as to laborers and mechanics employed by the War Department in the construction of the above-mentioned public works in the Territory of Hawaii, it will be impossible, because of the remoteness of such places from sources of labor supply in the United States, and because of the difficulties of transporting additional labor from the United States, to accomplish the work necessary to the completion of such public works within the time required by the interests of the national defense; and

WHEREAS I find that by reason of the foregoing an extraordinary emergency exists:

NOW, THEREFORE, by virtue of the authority vested in me by section 1 of the said act of August 1, 1892, as amended by the said act of March 3, 1913, and as President of the United States, I hereby suspend for the duration of the emergencies proclaimed by me on September 8, 1939,[1] and May 27, 1941,[2] the above-mentioned provisions of law prohibiting more than eight hours of labor in any one day of laborers and mechanics employed by the Government of the United States as to all work performed by laborers and mechanics employed by the War Department in the construction of cantonments, air fields, fortifications, and other public works in the Territory of Hawaii which are necessary for the national defense.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
August 20, 1941.

[No. 8859]

[F. R. Doc. 41-6242; Filed, August 21, 1941; 9:27 a. m.]

EXECUTIVE ORDER

SUSPENDING THE PROVISIONS OF THE SATURDAY HALF-HOLIDAY ACT OF MARCH 3, 1931, AS TO CERTAIN EMPLOYEES OF THE FEDERAL GOVERNMENT IN THE TERRITORY OF HAWAII

WHEREAS section 5 (a) of the act of June 28, 1940, 54 Stat. 676, 678, authorizes the President "to suspend, in whole or in part, for the War and Navy Departments and for the Coast Guard and their field services, during the period of the national emergency declared by him on September 8, 1939,[1] to exist, the provisions of the act of March 3, 1931 (46 Stat. 1482; U.S.C. 5, 26 (a)), if in his judgment such course is necessary in the interest of national defense", such provisions in effect, establishing Saturday half-holidays for certain Government employees; and

WHEREAS I find it necessary in the interest of national defense to suspend the provisions of the said act of March 3, 1931, as to certain employees of the Government to which section 5 (a) of the said act of June 28, 1940, is applicable:

NOW, THEREFORE, by virtue of the authority vested in my by section 5 (a) of the said act of June 28, 1940, I hereby suspend for the duration of the national emergency declared by me on September 8, 1939, to exist, the provisions of the said act of March 3, 1931, as to all civil employees of the War Department and of the Coast Guard and of their field services engaged in the performance of labor or duties in the Territory of Hawaii.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
August 20, 1941.

[No. 8860]

[F. R. Doc. 41-6243; Filed, August 21, 1941; 9:27 a. m.]

EXECUTIVE ORDER

REVOCATION OF EXECUTIVE ORDERS NOS. 4109, 4262, AND 4430 OF DECEMBER 8, 1924, JULY 3, 1925, AND APRIL 23, 1926, RESPECTIVELY, WITHDRAWING PUBLIC LANDS

ALABAMA, FLORIDA, MISSISSIPPI, MICHIGAN, AND WISCONSIN

By virtue of the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, Executive Orders No. 4109 of December 8, 1924, No. 4262 of July 3, 1925, and No. 4430 of April 23, 1926, withdrawing public lands in the States of Alabama, Florida, Mississippi, Michigan, and Wisconsin, are hereby revoked, the lands thus released becoming subject to the provisions of Executive Order No. 6964 of February 5, 1935, withdrawing public lands in the States herein mentioned and other States for classification and other purposes.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
August 20, 1941.

[No. 8861]

[F. R. Doc. 41-6244; Filed, August 21, 1941; 9:27 a. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACP-1941-10]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

SUBPART C—1941

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148) as amended, the 1941 Agricultural Conservation Program is amended as follows:

1. Paragraph (a), § 701.204,[1] is hereby amended by deleting the proviso after the second colon and inserting in lieu thereof the following:

§ 701.204 *Divisions of payments and deductions*—(a) *Payments and deductions in connection with general soil-depleting crops, crops for which special crop acreage allotments are determined, and restoration of lands.* * * * *Provided further*, That if for any reason the total acreage of cotton on a farm in 1941 is less than 80 percent of the cotton allotment for the farm and the acreage of cotton planted or which would have been planted thereon by any producer in 1941 is a substantially smaller proportionate share of the acreage planted to cotton thereon than such producer normally plants thereon and all the persons who are or would have been entitled to receive a share of the proceeds of the cotton agree, as shown by their signatures on the application for payment or a separate statement, the net payment computed for cotton for the farm shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines that such persons would have been entitled to share in the proceeds of the cotton crop if the entire acreage in the cotton allot-

---

[1] 4 F.R. 3851.
[2] 6 F.R. 2617.

[1] 4 F.R. 3851.

[1] 5 F.R. 2915, 6 F.R. 2050, 2883.

ment had been planted and harvested in 1941, but in no event shall the acreage share so determined for any person be less than such person's acreage share of the acreage planted to cotton on the farm in 1941.

Done at Washington, D. C., this 20th day of August 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 41-6284; Filed, August 21, 1941; 11:45 a. m.]

[P-1941-2]

PART 741—PARITY PAYMENTS

SUBPART C—1941

By virtue of the authority vested in the Secretary of Agriculture by the item entitled "Parity Payments," contained in the Department of Agriculture Appropriation Act, 1941 (Public Law No. 658, 76th Congress, approved June 25, 1940; 54 Stat. 532), and pursuant to the provisions of Sections 301 and 303 of the Agricultural Adjustment Act of 1938, approved February 16, 1938 (Public Law No. 430, 75th Congress, 3d Session; 52 Stat. 43, 45), the 1941 Parity Payment Regulations, as approved on September 13, 1940, are hereby amended as follows:

Section 741.204[1] is hereby amended by deleting the proviso after the third colon and inserting in lieu thereof the following:

§ 741.204 *Division of payment.* * * * *Provided further,* That if for any reason the total acreage of cotton on a farm in 1941 is less than 80 percent of the cotton allotment for the farm and the acreage of cotton planted or which would have been planted thereon by any producer in 1941 is a substantially smaller proportionate share of the acreage planted to cotton thereon than such producer normally plants thereon and all the persons who are or would have been entitled to receive a share of the proceeds of the cotton agree, as shown by their signatures on the application for payment or a separate statement, the net payment computed for cotton for the farm shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines that such persons would have been entitled to share in the proceeds of the cotton crop if the entire acreage in the cotton allotment had been planted and harvested in 1941, but in no event shall the acreage share so determined for any person be less than such person's acreage share of the acreage planted to cotton on the farm in 1941.

Done at Washington, D. C., this 20th day of August 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 41-6283; Filed, August 21, 1941; 11:45 a. m.]

[1] 5 F.R. 3652.

CHAPTER IX—SURPLUS MARKETING ADMINISTRATION

[Order No. 51,[1] Amendment No. 1]

PART 951—MARKETING ORDERS

ORDER AMENDING THE ORDER REGULATING THE HANDLING OF TOKAY GRAPES GROWN IN THE STATE OF CALIFORNIA[2]

The Acting Secretary of Agriculture, acting pursuant to the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), issued on August 17, 1941, an order regulating the handling of Tokay grapes grown in the State of California (hereinafter referred to as the "order"); and the Secretary of Agriculture, having reason to believe that the issuance of certain amendments to the aforesaid order would tend to effectuate the declared policy of the act, gave due notice of a hearing to be held at Lodi, California, on March 18, 1941, on such proposed amendments to the order, and at the said hearing all interested parties were afforded an opportunity to be heard with regard to the proposed amendments to the said order.

Upon the basis of the evidence introduced at the hearing and the record thereof, it is hereby found that the aforesaid order as hereby amended and all the terms and conditions of the order as hereby amended will tend to effectuate the declared policy of the act with respect to Tokay grapes grown in the State of California by establishing and maintaining such orderly marketing conditions therefor as will establish prices to the producers thereof at a level that will give such Tokay grapes a purchasing power with respect to articles that the producers thereof buy equivalent to the purchasing power of such grapes in the base period, and by protecting the interest of the consumer by (a) approaching the level of prices which it is declared in the act to be the policy of Congress to establish by gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (b) authorizing no action which has for its purpose the maintenance of prices to producers of such grapes above the level which it is declared in the act to be the policy of Congress to establish; the said finding is in addition to the findings made upon the evidence introduced at the original hearing on the said order and is in addition to the other findings and determinations made prior to or at the time of the issuance of the said order, and all of such findings and determinations are hereby ratified and affirmed, except as they may be in conflict with the findings herein.

It is further found:

(1) That the agreement amending the marketing agreement regulating the handling of Tokay grapes grown in the State of California, executed on the 20th day of August 1941, upon which a hearing was held on March 18, 1941, was signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the fruit covered by the order as hereby amended) who, during the calendar year 1940, handled not less than 50 percent of the volume of such fruit covered by the order as hereby amended;

(2) That the aforesaid agreement amending the said marketing agreement was executed by handlers who were signatory parties to the said marketing agreement and who, during the fiscal year immediately preceding that in which the agreement amending the marketing agreement was executed, shipped not less than 50 percent of the Tokay grapes shipped by all signatory handlers during such period;

(3) That the order as hereby amended regulates the handling of such fruit in the same manner as the said marketing agreement, as amended, and that the said order as hereby amended is applicable only to persons in the respective classes of industrial and commercial activities specified in the said marketing agreement, as amended; and

(4) That the issuance of this order amending the said order is favored by producers who, during the period January 1, 1940, to December 31, 1940, inclusive (which is hereby determined to be a representative period), produced for market within the State of California at least two-thirds (⅔) of the volume of Tokay grapes produced for market within such production area within the said period.

It is, therefore, ordered, pursuant to the provisions of the aforesaid act, that such handling of Tokay grapes grown in the State of California as is in the current of commerce between the State of California and any point outside thereof, or which directly burdens, obstructs, or affects such commerce in such grapes, from and after the date hereinafter specified, shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as hereby amended; and the aforesaid order is hereby amended as follows:

1. Delete § 951.2 (c) (2) and insert, in lieu thereof, the following:

[1] 5 F.R. 2883.

[2] Sections 951.2, 951.4, 951.5, and 951.6 as hereby amended issued under the authority contained in 48 Stat. 31, 49 Stat. 750, 50 Stat. 246; 7 U.S.C. § 601 et seq. and Sup.

§ 951.2 *Committees.*

* * * * *

(c) *Nomination of successors to initial members of industry committee.*

* * * * *

(2) In the nomination of members and alternate members of the Industry Committee, each grower shall be entitled to cast only one vote, which shall be cast on behalf of himself, his agents, partners, and representatives, for each nominee to be elected in the district in which the grower produces grapes: *Provided,* That in the case of growers who produce grapes in the Lodi District, such growers shall vote only in the election district within the Lodi District in which such growers produce grapes. Only growers who are personally present at such nomination meetings shall be entitled to vote for nominees. Each grower shall be entitled to vote only in one election district or in the Florin District, and only for the nominees to be elected in such election district or in the Florin District, as the case may be.

2. Delete § 951.2 (d) and insert, in lieu thereof, the following:

(d) *Eligibility for membership on Industry Committee.* A person nominated or selected to serve as a member or as an alternate member of the Industry Committee, for any particular season, shall be an individual grower who produced, during the season immediately prior to the season for which the grower has been so nominated or selected, at least 51 percent of the grapes shipped by him during such prior season; or such person shall be an officer, employee, or agent of an organization which produced, during such prior season, at least 51 percent of the grapes shipped by such organization during such prior season; and any such person shall be an individual grower who, or an officer, employee, or agent of an organization which, produced grapes during such prior season in that particular election district in the Lodi District, or in the Florin District, as the case may be, for which he was nominated or selected as a member or as an alternate member of such committee.

3. Delete § 951.2 (k) and insert, in lieu thereof, the following:

(k) *Compensation.* The members of the Industry Committee, and the alternate members of such committee when acting for members, may be reimbursed for expenses necessarily incurred by them in attending each meeting of the said committee and in performing services, necessary in connection herewith, at the request of such committee; and they may receive compensation in an amount not in excess of five dollars ($5.00) per day for attending each such meeting and for performing such services. The members of the Shippers' Advisory Committee, and the alternate members of such committee when acting for members, may be reimbursed for expenses necessarily incurred by them in attending each meeting of the said committee.

4. Delete § 951.2 (p) (1) and insert, in lieu thereof, the following:

(p) *Shippers' Advisory Committee.* (1) A Shippers' Advisory Committee, consisting of seven members selected by the handlers in accordance with the provisions hereof, is hereby established. There shall be an alternate for each member of such committee. The alternate member shall possess the same qualifications as the member and shall be selected in the same manner as provided herein for the selection of members. An alternate member shall, in the event of such member's absence from a meeting of the committee, act in the place and stead of such member, and, in the event of a vacancy in the office of such member, shall act in the place and stead of such member until a successor for the unexpired term of such member has been selected.

5. Delete § 951.2 (p) (3) and insert, in lieu thereof, the following:

(3) Any individual person, except one who is a member or an alternate member of the Industry Committee, shall be eligible for membership on the Shippers' Advisory Committee.

6. Delete § 951.4 (a) and (b) and insert, in lieu thereof, the following:

§ 951.4 *Regulation by grades and sizes*—(a) *Recommendation of Industry Committee.* Whenever the Industry Committee deems it advisable to limit the shipment of grapes to particular grades and sizes, it shall so recommend to the Secretary. At the time of submitting any such recommendation, the said committee shall submit to the Secretary the data and information upon which it acted in making such recommendation, including factors affecting the supply of, and the demand for, grapes by grades and sizes thereof, and such other information as the Secretary may request. The said committee shall promptly give adequate notice to the handlers and growers of any such recommendation submitted to the Secretary.

(b) *Establishment of regulation.* (1) Whenever the Secretary finds, from the recommendation and information submitted by the Industry Committee, or from other available information, that to limit the shipment of grapes, produced in either or both districts, to particular grades and sizes would tend to effectuate the declared policy of the act, he shall so limit the shipment of grapes during a specified period.

(2) Any such limitation may prescribe a separate grade or size regulation applicable to grapes shipped to destinations on the continent of North America or to destinations off the continent of North America; and any such limitation may also prescribe a separate grade or size regulation applicable to grapes which are shipped, either on or off the continent of North America, after having been under refrigeration in a storage warehouse in California. Except as the shipment of grapes may be regulated pursuant to section 951.5, grapes shipped immediately after removal from such a warehouse shall meet the grade or size requirements of the applicable regulation in effect at the time such grapes were placed in such warehouse, and, in the event such grapes were inspected pursuant to § 951.4 (d) prior to or at the time they were placed in such warehouse, no further inspection under § 951.4 (d) shall be required: *Provided,* That, unless such grapes meet the requirements of the regulation applicable to grapes shipped to destinations on the continent of North America which is in effect at the time of shipment from such warehouse, such grapes shall have been in such warehouse for such period of time as the Industry Committee may prescribe with the approval of the Secretary.

(3) The Secretary shall immediately notify the Industry Committee of the issuance of any such regulation, and the said committee shall promptly give adequate notice thereof to handlers and to growers.

7. Delete § 951.5 and insert, in lieu thereof, the following:

§ 951.5 *Regulation of daily shipments*—(a) *Definitions.* As used in this section, the following terms have the following meanings:

(1) "Railroad assembly point" means any railroad concentration point designated by the Industry Committee.

(2) "Cold storage assembly point" means any cold storage plant in the State of California.

(3) "Time of arrival" or "arrival time" means (i) the actual day and hour of delivery of grapes in a railroad car at a railroad assembly point, if such grapes are not precooled at such assembly point; or (ii) the actual day and hour when precooling of grapes in a railroad car is completed, if such grapes are precooled at a railroad assembly point; or (iii) the day and hour at the end of such period of time subsequent to the actual delivery of a car of grapes at a cold storage assembly point as the Industry Committee may prescribe; or (iv), in the event a handler notifies the Industry Committee that grapes in cold storage are to be considered available in cold storage assembly points, the day and hour at the end of such period of time after the handler has given such notice as the Industry Committee may prescribe, which period shall not exceed five calendar days; or (v), for the purpose of including such additional conditions as may be developed, the day and hour of such period of time prior or subsequent to the actual delivery of grapes to assembly points as the Industry Committee may prescribe with the approval of the Secretary.

(4) "Arrival date" means, when used with reference to any one of the situations enumerated in subparagraph (3) (i), (ii), (iii), (iv), or (v) of this para-

graph, the day which is part of the time specifications provided for therein.

(5) "Billing date" means (i), when used with reference to grapes in a railroad car shipped to a railroad assembly point but not precooled at such assembly point, the date shown on the bill of lading; or (ii), when used with reference to grapes in a railroad car shipped to a railroad assembly point and precooled at such assembly point, one calendar day after the date shown on the bill of lading; or (iii), when used with reference to grapes delivered to a cold storage assembly point, the date at the end of such period of time, subsequent to the actual delivery of the car of grapes at such cold storage point, as the Industry Committee shall prescribe; or (iv), when used with reference to grapes in cold storage, such date at the end of such period of time subsequent to the time that the handler of such grapes has given notice to the Industry Committee that such grapes are to be considered available in cold storage assembly points, as the said committee shall prescribe, which period shall not exceed five calendar days; or (v), for the purpose of including such additional conditions as may be developed, the date at the end of such period of time prior or subsequent to the date shown on the bill of lading, or the date of actual delivery at an assembly point, as the Industry Committee may prescribe with the approval of the Secretary.

(6) "Cold storage" means retention of grapes under refrigeration in a storage warehouse for such minimum period of time, at such place or under such conditions, as the Industry Committee may prescribe: *Provided*, That in the event the said committee prescribes a minimum period of time which is in excess of four calendar days, the period of time prescribed shall be subject to the approval of the Secretary.

(7) "Car" or "carload" means such quantity of grapes as may be specified by the Industry Committee.

(8) "Advisable" means the quantity of grapes advisable to be shipped each day during a regulation period, as determined by the Secretary pursuant to (c) of this section.

(9) "Handler" is synonymous with "shipper" and means any person (except a common carrier of, or an operator of a cold storage for, grapes owned by another person) who, as owner, agent, or otherwise, ships or handles grapes, or causes grapes to be shipped or handled, in fresh form.

(10) "Handle" is synonymous with "ship" and means to transport by railroad, or to prepare for transportation by railroad (which shall include, but not be limited to, packaging and precooling), or to load in a conveyance for delivery to assembly points or to transport to assembly points, for transportation by railroad, in the current of commerce between the State of California and any point outside thereof on the continent of North America, or so as directly to burden, obstruct, or affect such commerce.

(11) "Grapes controlled" means grapes to which the handler has legal title or which the handler has been authorized by the owner to ship.

(12) "Assembly points" means railroad assembly points and cold storage assembly points.

(b) *Recommendation of regulation.* The Industry Committee shall, from time to time, investigate the supply and demand conditions for grapes. Whenever the said committee determines that (1) the supply of grapes for shipment exceeds the demand therefor or the rate of flow of shipments of grapes to markets will be irregular, which may result in the quantity of grapes shipped during certain parts of a season being in excess of the demand for grapes at such time; and (2) the regulation of shipments of grapes pursuant to § 951.4 will be inadequate or insufficient to correct such conditions; and (3) it is advisable to limit the total daily shipments of grapes during any specified period, the said committee shall recommend to the Secretary the establishment of a regulation period during which the shipment of grapes shall be limited as herein provided. At the time of making such recommendation, the Industry Committee shall report to the Secretary (i) the period during which the proposed regulation is to be effective; (ii) the expected maximum and average daily shipments of grapes during such period; (iii) the total quantity of grapes advisable to be shipped each day during the regulation period; and (iv) the information upon which such recommendation and reports are based, together with such other information as the Secretary may request.

(c) *Establishment of regulation.* Whenever the Secretary shall find, from the recommendation, reports, and information submitted by the Industry Committee, or from other available information, that to limit the total quantity of grapes that may be shipped each day, as provided in this section, will tend to effectuate the declared policy of the act, he shall establish such a regulation for a specified period. At the time of the establishment of such limitation, the Secretary shall determine (1) the period of time during which the daily shipments of grapes are to be limited and (2) the total quantity of grapes advisable to be shipped each day during the specified regulation period. The Secretary shall promptly notify the Industry Committee of the establishment of the regulation period and of the total quantity of grapes advisable to be shipped each day thereof, and such committee shall give such notice thereof as may be reasonably calculated to bring such information to the attention of all interested persons.

(d) *Retention of cars in assembly points.* During any regulation period established pursuant to paragraph (c) of this section, each handler shall file with the railroad carrier an order directing it to stop each carload of the respective handler's grapes at a railroad assembly point, or, if any handler desires to have any shipment of grapes regulated at a cold storage assembly point, such handler may deliver such grapes to the cold storage assembly point. No handler shall have the shipment of any carload of grapes continued from an assembly point until the carload is released by the Industry Committee from the railroad assembly point or from the cold storage assembly point, as the case may be. Grapes released by the committee from cold storage assembly points shall not be detained by the committee at railroad assembly points. The provisions of this paragraph shall not be applicable to grapes which have been shipped in railroad cars at a time when a regulation period established pursuant to paragraph (c) of this section is not in effect.

(e) *Reports by handlers.* During the effective period of any regulation established pursuant to this section, each handler shall report promptly, or cause to be reported promptly, to the Industry Committee any of the following information requested by it: (1) the quantity of grapes loaded in railroad cars for shipment to any railroad assembly point; (2) the date of the bill of lading covering each such carload of grapes; (3) the quantity of grapes loaded in a conveyance for shipment to assembly points or delivered to assembly points; and (4) the time of delivery of each carload of grapes at any assembly point. Each handler shall furnish, or authorize cold storage companies to furnish, to the Industry Committee, the time of actual delivery to cold storage of each railroad car of grapes controlled by him, including a statement as to whether such car was so delivered for the purpose of precooling preparatory to being shipped immediately or for the purpose of storage.

(f) *Shipments from assembly points.* (1) The quantity of grapes which shall be released by the Industry Committee any day during a regulation period established pursuant to paragraph (c) of this section, from all assembly points for continued shipment, shall, except as otherwise specifically provided herein, be the total advisable quantity of grapes to be shipped that day, as determined by the Secretary.

(2) Such daily advisable quantity of grapes shall be released from assembly points by the Industry Committee in accordance with the following method: Each carload shall be released in the order of priority of billing date. In the event the said committee determines that it is not advisable to use the billing date for the release of grapes from assembly points, it may recommend to the Secretary that such grapes shall be released in order of arrival date. Thereafter, upon the Secretary's approval of such recommendation, the said committee shall use the arrival date for the release of grapes from assembly points; and either the billing date or the arrival date is hereinafter referred to as "date". If, on a given day, only part of the grapes of a particu-

lar date which are available for release can be released pursuant to the foregoing provision, then the percentage of any such grapes controlled by a handler which shall be released shall be the percentage obtained when that part of the total quantity of grapes of such date available for release, which can be released on the applicable day pursuant to the foregoing provisions, is divided by the total quantity of grapes of such date available for release: *Provided*, That grapes of such date, the continued shipment of which from assembly points cannot commence for any reason, shall not be included in the quantity of grapes used in calculating such percentages. If the quantities of grapes of individual shippers, to be released on a particular day, include fractions of a carload, the Industry Committee shall release a full carload for each of a sufficient number of shippers having fractional parts of a carload eligible for release to permit the release of a quantity of grapes which shall be less than one carload in excess of the advisable quantity for shipment that day: *Provided*, That the release of full carloads for fractional parts of a carload shall be in the order of the largest to the next smaller fractional part of a carload of grapes eligible for release for any shipper: *Provided, further*, That if the total quantity of grapes of a particular shipper released on a particular day is in excess of or less than the quantity of such shipper's grapes to be released that day, determined or calculated as provided herein, deductions from or additions to the quantities of such shipper's grapes to be released on the next succeeding days shall be made until the sum of such deductions or additions, respectively, shall equal the sum of such excess releases or under releases. If the total quantity of grapes actually released on a particular day is in excess of the quantity advisable for shipment on such day, the quantity released on the following day shall be decreased by the amount of such excess quantity.

(3) In the event the Industry Committee determines that it is not expedient to release the daily advisable quantity of grapes pursuant to subparagraph (2) of this paragraph, it may so recommend to the Secretary and, upon the approval of the Secretary, the following method for releasing such grapes shall be used by the committee: The first carload of grapes in terms of time of arrival at any assembly point shall be the first carload released for shipment from all assembly points on any particular day, and succeeding carloads shall be released for shipment in the order of time of arrival until the total advisable quantity for the particular day has been released: *Provided*, That if the Industry Committee finds that the release of the advisable on any day results in the release for continued shipment of a quantity of grapes which is less than a carload, the said committee shall release, in addition to the advisable, a quantity of grapes sufficient to permit the continued shipment of a full carload of grapes; in which event, the said committee shall deduct from the advisable for the succeeding day a quantity of grapes equal to such amount released in excess of the advisable.

(4) Notwithstanding the foregoing provisions with respect to the limitations upon the release of a quantity of grapes in excess of the advisable, the maximum time that cars may be held at assembly points shall be 72 hours or such other period of time less than 72 hours as may be prescribed by the Industry Committee and approved by the Secretary.

(5) Whenever any handler has one or more carloads of grapes at assembly points which have priority of shipment at a given time, and such handler also has one or more carloads of grapes at assembly points which do not have such priority, such handler may substitute, pursuant to such regulations as may be adopted by the Industry Committee, any carload without priority for any carload having priority.

(6) Any handler who has delivered grapes to cold storage for the purpose of storage, except during a limitation period established pursuant to paragraph (g) (3) or (5) of this section, shall, if he desires to continue the shipment of such grapes, so report in writing to the Industry Committee. Thereafter, such grapes shall be considered by the committee as being at a cold storage assembly point, shall be assigned a date or given an arrival time, as the case may be, and shall be subject to release in accordance with the provisions of this section if they meet the requirements of the grade or size regulations applicable to grapes shipped to destinations on the continent of North America and in effect at the time the grapes are released for continued shipment. Any grapes delivered to cold storage pursuant to paragraph (g) (6) of this section, during a limitation period established pursuant to paragraph (g) (3) or (5) of this section, or any grapes delivered to cold storage for the purpose of storage which do not meet the aforesaid grade or size regulations, and which the handler thereof desires to ship from such storage, shall, notwithstanding that such grapes meet the requirements of the grade or size regulations applicable to grapes shipped from cold storage, only be eligible for release for continued shipment on any particular day during a regulation period established pursuant to paragraph (c) of this section, when the quantity of grapes eligible for release from assembly points on such day is less than the quantity of grapes advisable to be shipped on such day. In that event, the release of such grapes from cold storage for continued shipment shall be in the same order that such grapes were placed in storage, and within the limits of the quantity of grapes advisable to be released that day, less the quantity eligible for release from assembly points: *Provided*, That any quantity of grapes in cold storage may be substituted, pursuant to the regulations adopted by the Industry Committee, for the same quantity of grapes eligible to be released from assembly points, or from cold storage pursuant to the foregoing provisions, except that grapes which have not been in cold storage at least ten (10) days shall not be so released unless such grapes were delivered to cold storage when no limitation period established pursuant to (g) (3) or (5) of this section was in effect and such grapes meet the requirements of the grade and size regulations applicable to grapes shipped to destinations on the continent of North America and in effect at the time such grapes are released.

(7) Except as provided herein, the Industry Committee shall not release from assembly points a quantity of grapes in excess of the advisable for the respective day, as determined by the Secretary.

(g) *Regulation of loading or packaging.* (1) Whenever the Industry Committee determines that the quantity of grapes at assembly points is, or in view of the quantity of grapes loaded or en route to assembly points soon will be, substantially in excess of the quantity advisable for shipment each day as determined by the Secretary pursuant to paragraph (c) of this section, and it is advisable in order to effectuate the declared policy of the act to regulate the loading or packaging of grapes for shipment to assembly points during a specified period, the Industry Committee shall recommend to the Secretary the establishment of a regulation period during which time the loading or packaging of grapes for shipment to assembly points shall be limited.

(2) At the time of making any such recommendation, the Industry Committee shall determine and report to the Secretary (i) the daily shipments of grapes to assembly points immediately preceding such recommendation; (ii) the total quantity of grapes at assembly points; (iii) the estimated total quantity of grapes that will be en route to, and at, assembly points on the day the regulation of loading or packaging is recommended to be effective; (iv) all other information upon which such recommendation and report are based; and (v) such information as the Secretary may request. If less than a complete limitation of loading of grapes for shipment to assembly points is recommended, the Industry Committee shall determine and report to the Secretary a representative period, during the then current season, to be used as the base period in connection with a regulation limiting the loading of grapes, established pursuant to subparagraph (3) of this paragraph; the quantity of grapes loaded, or the estimated quantity that will be loaded, by all handlers, during the representative period, for shipment to assembly points; and the recommended quantity of grapes to be loaded for shipment to assembly points each day of the recommended

limitation period. The said committee shall give adequate notice to all handlers of any such determinations.

(3) Whenever the Secretary shall find, from the recommendation, reports, and information submitted by the Industry Committee, or from other available information, that to limit the loading of grapes for shipment to assembly points during a specified period will tend to effectuate the declared policy of the act, the Secretary shall limit the quantity of grapes to be loaded, during each day of a specified period, for shipment to assembly points: *Provided*, That no regulation which limits completely such loading of grapes shall be in effect for a period longer than 48 hours. In the event the Secretary establishes such a regulation, the Secretary shall determine (i) the period of regulation; (ii), if the regulation is less than a complete limitation, the representative period during the then current season to be used as the base period; and (iii) the quantity of grapes to be loaded for shipment to assembly points each day of the limitation period: *Provided*, That such quantity shall be sufficiently large, or the length of the limitation period sufficiently short, to insure the shipment of a quantity of grapes equal to the quantity advisable for shipment, determined by the Secretary pursuant to paragraph (c) of this section, from assembly points each day during, and immediately after, such limitation period. In making such determinations, the Secretary shall fix the quantity to be loaded each day of such a period as a specific quantity or as a percentage of the daily average quantity of grapes loaded for shipment to assembly points in the base period by all handlers. During any such limitation period, the quantity of grapes which each handler may load for shipment to assembly points on a particular day of the limitation period shall be the same percentage of the daily average quantity of grapes, which such handler loaded during the base period, as the percentage that the quantity to be loaded that day, as determined by the Secretary, is of the daily average quantity of grapes loaded for shipment to assembly points during the base period by all handlers. In the event a handler did not load grapes for shipment to assembly points on each day during the base period, such handler may include with the quantity of grapes loaded for such shipment during the base period, the quantity loaded for shipment to assembly points on the same number of days preceding the base period on which he did so load grapes as the number of days during the base period on which he did not so load grapes; and the quantity so loaded by each such handler on such days preceding the base period shall, in computing the aforesaid percentage, be included in the quantity so loaded by all handlers during the base period. If the percentage is not determined by the Secretary, the Industry Committee shall compute, for each day of the limitation period, the percentage that the quantity of grapes to be loaded for shipment to assembly points on the particular day is of the daily average quantity loaded by all handlers for shipment to assembly points during the base period. The Industry Committee shall give adequate notice to handlers of the percentage.

(4) Any handler who is dissatisfied with the committee's recommendation as to the period to be used as the base period, as provided in subparagraph (2) of this paragraph, may appeal to the Secretary. In which event, any such handler taking such appeal shall submit a written statement to the Secretary which shall fully set forth the quantity of grapes loaded by such handler for shipment, during the said base period, to assembly points, and the inapplicability of such base to the said handler; and a copy of such statement shall be delivered to the Industry Committee. Immediately upon receipt of such copy, the said committee shall submit a report to the Secretary on the merits of such appeal. The Secretary may suspend the application of the base period to any such handler and assign to such handler a different base period, or the Secretary may prescribe a daily quantity of grapes which such handler may load for shipment to assembly points during each day of the limitation period.

(5) Whenever the Secretary shall find, from the recommendation, reports, and information submitted by the Industry Committee, or from other available information, that to limit completely the packaging of grapes to be shipped to assembly points, during any specified period (which period shall not exceed 48 hours), will tend to effectuate the purpose of the act, the Secretary shall so limit the packaging of such grapes. The Secretary shall give the Industry Committee immediate notice of the issuance of any such regulation and the said committee shall give adequate notice thereof to all handlers. During any such period, no handler shall package grapes for shipment to assembly points.

(6) Any handler may ship grapes to cold storage, or package grapes for shipment to cold storage, for the purpose of storage, during a limitation period established pursuant to subparagraphs (3) or (5) of this paragraph, if such grapes meet the requirements of the applicable grade or size regulations established pursuant to § 951.4: *Provided*, That such handler shall first secure a permit therefor from the Industry Committee. Such permit, which shall be granted upon application, shall be made in such manner as may be prescribed by the Industry Committee. Grapes so shipped to cold storage, for the purpose of storage, during a limitation period established pursuant to subparagraphs (3) or (5) of this paragraph, shall not, except pursuant to paragraph (f) (6) of this section, be released for continued shipment during any day of a regulation period established pursuant to paragraph (c) of this section.

(h) *Exemption for part cars.* A shipment of grapes which is not in excess of 300 standard packages, or an equivalent quantity thereof in weight, shall be exempt from the regulations established pursuant to paragraph (c) of this section.

(i) *Apportionment among growers.* Each handler shall apportion equitably among the growers whose grapes he handles the quantity of grapes such handler is permitted to load each day pursuant to paragraph (g) (3) or (4) of this section.

8. Delete § 951.6 and insert, in lieu thereof, the following:

§ 951.6 *Limitation of shipments by truck*—(a) *Limitation.* (1) Whenever a regulation limiting the packaging of grapes is in effect pursuant to § 951.5(g) (5), no handler shall package grapes for shipment by truck. During such a regulation period no handler shall ship grapes by truck unless the grapes were packaged prior to such regulation period and then only pursuant to a permit issued by the Industry Committee in accordance with the provisions hereof.

(2) The Industry Committee shall issue a permit to any handler which will enable such handler to load and transport grapes by truck during a regulation period limiting the packaging of grapes, established pursuant to § 951.5 (g) (5): *Provided*, That such handler (i) makes written application for such permit; and (ii) submits evidence satisfactory to the Industry Committee that the grapes to be shipped had been packaged prior to the effective time of such regulation period. Any such application shall include such information as may be required by the Industry Committee pursuant to uniform rules.

(3) In the event the Secretary establishes a regulation limiting the loading of grapes pursuant to § 951.5 (g) (3), no handler shall ship grapes by truck, during any day of such limitation period, in excess of the average daily quantity of grapes which such handler shipped by truck during such period of time during the then current season as shall be established by the Industry Committee and approved by the Secretary; except that any such handler may ship during any day or days during the effective period of the regulation a total of the quantities which, pursuant to the foregoing provision, he would be permitted to ship each day of such period: *Provided*, That a handler who ships by truck, and who has made no shipments during a particular season prior to the effective date of a regulation limiting the loading of grapes, may apply to the said committee for a certificate (which shall be issued by said committee in accordance with rules adopted by it and approved by the Secretary) which will permit such handler to ship by truck during the applicable regulation period an equitable

quantity of grapes. A shipment of grapes by truck which is not in excess of 25 standard packages or an equivalent net weight quantity shall be exempt from the provisions of this paragraph; and the Industry Committee may, with the approval of the Secretary, exempt from the provisions of this paragraph any shipment of grapes, shipped by truck, in excess of the aforesaid quantity.

(4) During a limitation period established pursuant to § 951.5 (g) (3) or (5), no handler shall deliver grapes to cold storage (as defined in § 951.5 (a) (6)), for subsequent shipment by truck, except pursuant to a permit therefor issued by the Industry Committee; and such permit shall be issued by the committee upon application.

In witness whereof, the undersigned, acting under the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, for the purposes and within the limitations therein contained and not otherwise, does hereby execute and issue in duplicate this order under his hand and the official seal of the Department of Agriculture, in the city of Washington, District of Columbia, on this 20th day of August 1941, and declares this order to be effective on and after 12:01 a. m., p. s. t., August 24, 1941.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-6287; Filed, August 21, 1941; 11:47 a. m.]

TITLE 8—ALIENS AND NATIONALITY

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE

[General Order No. C-33]

PART 112—ADMISSION OF HOLDERS OF CERTIFICATES OF IDENTITY TO PROSECUTE AN ACTION UNDER SECTION 503 OF THE NATIONALITY ACT OF 1940

CERTIFICATE OF IDENTITY FOR ADMISSION TO THE UNITED STATES TO PROSECUTE AN ACTION UNDER SECTION 503 OF THE NATIONALITY ACT OF 1940

AUGUST 20, 1941.

Pursuant to the authority contained in section 23 of the Immigration Act of 1917 (39 Stat. 892; 8 U.S.C. 102); section 24 of the Immigration Act of 1924 (43 Stat. 166; 8 U.S.C. 222); section 1 of Reorganization Plan No. V (5 F.R. 2223); and § 90.1, chapter I, title 8, Code of Federal Regulations (5 F.R. 3503), and in reference to the certificate of identity provided for by section 503 of the Nationality Act of 1940 (54 Stat. 1171, 1172; 8 U.S.C. 903), the following regulations are hereby prescribed as part 112 of chapter I, title 8, Code of Federal Regulations:

Sec.

§ 112.1 *Ports of entry upon certificate of identity.* The admission to the United States of a person on the basis of a certificate of identity issued under section 503 of the Nationality Act of 1940 (54 Stat. 1171, 1172; 8 U.S.C. 903) may be granted only at a port designated in § 110.1 or § 110.3 of this title as a port of entry for aliens, and such person, if Chinese, may be admitted only at a seaport or land-border port of entry for Chinese designated in §§ 205.1, 205.2, or 205.3 of this title.* (Sec. 7, 25 Stat. 477; 8 U.S.C. 277)

*§§ 112.1 to 112.5, inclusive, issued under the authority contained in sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166; 8 U.S.C. 102, 222; sec. 1, Reorg. Plan No. V, 5 F.R. 2223; 8 CFR 90.1. Statutes interpreted or applied are listed in parentheses at the end of specific sections.

§ 112.2 *Entry upon certificate of identity; conditions.* The holder of such a certificate of identity shall be regarded as an alien until otherwise finally held by the court in the action for a judgment declaring him to be a national of the United States. He shall be admitted to the United States as a temporary visitor for business on the condition, including, when deemed necessary, the giving of a bond with sufficient surety, that he shall depart from the United States if it is discovered that he has obtained admission by fraud or other illegality or if the final action in court to determine his nationality is not to the effect that he is a national of the United States. In addition, if such person is found to be afflicted with a loathsome or dangerous contagious disease or to have had one or more attacks of insanity or to be likely to become a public charge in the United States or to belong to one or more of the classes excluded from admission to the United States by the act approved October 16, 1918, as amended, or to be of a race that renders an individual ineligible to naturalization, his admission shall, unless the Attorney General on appeal from a decision of the board of special inquiry otherwise directs, be upon such further conditions as may be prescribed by the immigration authorities of the United States. The conditions shall be such as may be deemed necessary to safeguard the public and to require periodic reports by the person of his whereabouts to the immigration authorities of the United States, so that departure or deportation therefrom may be effected in the event it is discovered that he obtained admission by fraud or other illegality or if the final outcome of his action in court to determine his nationality is not to the effect that he is a national of the United States and if he then fails to depart without delay from the United States in accordance with directions from the immigration authorities. At the time of admission the certificate of identity shall be endorsed by the immigration officer to show the manner of arrival and the place and date of admission. The endorsement shall be signed by the officer making it and he shall add thereto the title of his office. A person admitted on a certificate of identity shall be informed at the time of admission that, until he departs from the United States or there is a decision of the court that he is a national of the United States, he is required by law to notify the Commissioner of Immigration and Naturalization, Washington, D. C., in writing of his address at the expiration of each three months' period of residence in the United States.[1] Also, at the time of such admission, a report of the name of such person and the date and port of his admission shall be made by the immigration office at once to the United States Attorney for the judicial district in which the action by the person is pending for a judgment declaring that he is a national of the United States. If the final decision in such action in court be that he is a national of the United States, a record to that effect shall be made by the immigration authorities at the port of admission.* (Secs. 3, 15, 16, 17, 39 Stat. 875, 885, 887, sec. 1, 40 Stat. 1012, sec. 1, 41 Stat. 1008, sec. 23, 54 Stat. 673, secs. 3 (2), 13 (c), 14, 15, 25, 28, 43 Stat. 154, 161, 162, 166, 168, secs. 31 (a), 35, 54 Stat. 673, 675; 8 U.S.C. 136, 137, 151, 152, 153, 203 (2), 213 (c), 214, 215, 223, 224, 456)

§ 112.3 *Certificate of identity obtained by fraud or other illegality.* Whenever there is evidence before the immigration authorities indicating that a certificate of identity was obtained or issued through fraud or other illegality or that it is in the possession of a person other than the rightful holder, the certificate shall not entitle the holder to be admitted to the United States unless satisfactory evidence is presented showing that such is not the case. Whenever a certificate of identity is found by an immigration officer of the United States to have been obtained by fraud or other illegality or to be in the possession of a person other than the rightful holder, such officer shall, if practicable, obtain possession of the certificate and send it, together with a report on the matter, through the Central Office, Immigration and Naturalization Service, Washington, D. C., to the Department of State.*

§ 112.4 *When deportation proceedings shall be instituted.* Steps for the institution of deportation proceedings against a person admitted on the basis of a certificate of identity shall be taken by the Immigration and Naturalization Service in accordance with the applicable sections of part 150 of this title if found to have obtained admission to the United States unlawfully or if he fails to comply

[1] For regulations in regard to notification of address, see 8 CFR 170.7.

with the conditions under which admitted to the United States.*

§ 112.5 *Transportation of holder of certificate of identity.* The transportation of the holder of a certificate of identity to the United States shall be subject to the same liabilities and penalties under the immigration laws as the bringing of any alien to the United States except liability to any fine or penalty under the immigration laws because of a mental defect other than such defects specifically named in section 9 of the Immigration Act of 1917, as amended (39 Stat. 880, 43 Stat. 166; 8 U.S.C. 145), or a physical defect of a nature which may affect ability to earn a living, as contemplated in section 3 of the Immigration Act of 1917 (39 Stat. 875, 8 U.S.C. 136) or because of excludability under that section as a native of that portion of the continent of Asia and the islands adjacent thereto described in that section, or because of inability to read.*

CROSS REFERENCE: For procedure in cases of other mental or physical affliction, see 8 CFR 132.3.

[SEAL] LEMUEL B. SCHOFIELD,
Special Assistant to the Attorney General in Charge Immigration and Naturalization Service.

Approved:

FRANCIS BIDDLE,
Acting Attorney General.

[F. R. Doc. 41-6272; Filed, August 21, 1941; 10:44 a. m.]

PART 317—CERTIFICATE OF IDENTITY FOR ADMISSION TO THE UNITED STATES TO PROSECUTE AN ACTION UNDER SECTION 503 OF THE NATIONALITY ACT OF 1940

Sec.

§ 317.1 *Authority for issuance of certificate of identity.* Section 503 of the Nationality Act of 1940 (54 Stat. 1171, 1172; 8 U.S.C 903) provides:

If any person who claims a right or privilege as a national of the United States is denied such right or privilege by any Department or agency, or executive official thereof, upon the ground that he is not a national of the United States, such person, regardless of whether he is within the United States or abroad, may institute an action against the head of such Department or agency in the District Court of the United States for the District of Columbia or in the district court of the United States for the district in which such person claims a permanent residence for a judgment declaring him to be a national of the United States. If such person is outside the United States, and shall have instituted such an action in court, he may, upon submission of a sworn application showing that the claim of nationality presented in such action is made in good faith and has a substantial basis, obtain from a diplomatic or consular officer of the United States in the foreign country in which he is residing a certificate of identity stating that his nationality status is pending before the court, and may be admitted to the United States with such certificate upon the condition that he shall be subject to deportation in case it shall be decided by the court that he is not a national of the United States. Such certificate of identity shall not be denied solely on the ground that such person has lost a status previously had or acquired as a national of the United States; and from any denial of an application for such certificate the applicant shall be entitled to an appeal to the Secretary of State, who, if he approves the denial, shall state in writing the reasons for his decision. The Secretary of State, with approval of the Attorney General, shall prescribe rules and regulations for the issuance of certificates of identity as above provided.

§ 317.2 *Application for certificate of identity*—(a) *What application shall show.* The application for a certificate of identity shall show:

(1) The full and true name of the applicant;

(2) The place of his residence outside the United States;

(3) That he claims to be a national of the United States, and the basis of such claim and evidence submitted in support thereof;

(4) That such claim is made in good faith and upon a substantial basis;

(5) That he claims a right or privilege as a national of the United States, and specifically the nature of such claim;

(6) That such right or privilege has been denied him by a specified department or agency or executive official of the United States on the ground that the applicant is not a national of the United States, and the date and place of such denial;

(7) That an action for a judgment declaring applicant to be a national of the United States has been instituted by him against the head of such department or agency in the District Court of the United States for the District of Columbia or in the district court of the United States for the specified district in which he claims permanent residence;

(8) That such action was instituted in good faith with the intention of prosecuting it to conclusion and is pending in such court;

(9) That he desires to proceed to the United States to prosecute such action;

(10) That, if granted a certificate of identity and admitted to the United States for the purpose of prosecuting such action, he will do so with due diligence;

(11) That he understands that admission to the United States upon such certificate of identity shall be under regulations prescribed in part 112 of chapter I, title 8, Code of Federal Regulations, and upon the condition that he shall be subject to deportation if the final outcome of such court action is not to the effect that he is a national of the United States and if he then fails to depart therefrom without delay in accordance with directions from the Immigration and Naturalization Service; and

(12) Such other facts and proofs, with respect to the foregoing, as may be required by the application form or by the diplomatic or consular officer before whom the application for a certificate of identity is executed.

(b) *Supporting witness.* The application for a certificate of identity shall be supported by the affidavit of a credible witness, but this requirement may be waived in the discretion of the officer before whom the application is executed.

(c) *Form and execution.* The application for a certificate of identity shall be made in quadruplicate on an approved form and shall be signed and sworn to (or affirmed) by the applicant in person before a diplomatic or consular officer of the United States. The affidavit of the witness, if not waived, shall also be made before a diplomatic or consular officer of the United States. The application shall be accompanied by four photographs of the applicant taken within thirty days of the date on which the application is filed. The photographs shall be 2 by 2 inches in size, unmounted, printed on thin paper, have a light background, and clearly show a full front view of the features of the applicant (with head bare, unless the applicant is a member of a religious order wearing a headdress), with the distance from the top of head to point of chin approximately 1¼ inches. Snapshot, group, or full length pictures will not be accepted. The applicant, except in the case of a person physically or otherwise incapable of signing his name, shall sign each copy of the photograph with his full, true name in such manner as not to obscure the features. The signature shall be by mark if the applicant is unable to write. One photograph shall be glued to the original application and one to each copy thereof and impressed with the legend machine so as not to cover the features. Officers not having a legend machine will use the impression seal. The consular impression seal should invariably be used in completing the application. Fingerprints of the applicant shall be required and attached to the application and each copy thereof, as in the case of a visa.*

*§§ 317.1–317.12, inclusive, issued under authority contained in sec. 503, 54 Stat. 1171, 1172; 8 U.S.C. 903. Statutes interpreted or applied are listed in parentheses at the end of specific sections.

§ 317.3 *Independent investigation.* When an application for a certificate of identity is executed before a diplomatic or consular officer, an independent investigation of the facts in the case should be made, as far as practicable, by such officer, even though the application and proofs submitted therewith may on their face appear to justify issuance of a certificate of identity.*

§ 317.4 *Good faith and substantial basis of claim of United States nationality*—(a) *Relationship to provision concerning loss of nationality.* The provision in section 503 of the Nationality Act of 1940 that a certificate of identity shall not be denied "solely on the ground that such person has lost a status previously had or acquired as a national of the United States" is to be read with the provision of the section that the claim of nationality presented in the court action be made in good faith and have a substantial basis.

(b) *Meaning of good faith.* Good faith means an honest belief of the applicant that he is a national of the United States, and is to be determined by the diplomatic or consular officer of the United States in the light of the facts and circumstances of each case. For example, where it appears that United States nationality has been lost by naturalization of the person upon his own application in a foreign state, good faith would appear to be lacking in the absence of a satisfactory showing to the contrary. Special care should be taken in the examination of the case of an applicant who, while in a foreign state, has exercised any rights or performed any duties for which only nationals of such state are eligible.

(c) *Meaning of substantial basis.* A substantial basis of a claim of United States nationality means one which satisfies the diplomatic or consular officer of the United States that the claim of the applicant that he is a national of the United States is, notwithstanding any previous ruling of a department, agency, or executive official of the United States, sufficiently meritorious to justify resort to the court for a determination of the question.*

§ 317.5 *Denial of a right or privilege as a national of the United States.* Denial by a department or agency or executive official of the United States of a right or privilege as a national of the United States may occur in the administration of various laws. For example, it may occur where a person has applied as a national of the United States for a passport or for registration at an American consulate or for non-quota status of an alien wife or alien minor child under sections 4 and 9 of the Immigration Act of 1924, and the application is denied on the ground that the applicant is not a national of the United States.*

§ 317.6 *Proof of institution of action.* Proof that the applicant has instituted an action referred to in § 317.2 is best made by presentation of a duly certified copy of the complaint filed in the action. The presentation of such a copy may be waived only when other evidence is furnished which satisfactorily establishes that the suit has been instituted and is pending.*

§ 317.7 *In case of doubt as to issuance of certificate of identity.* Where it appears that the presence of the applicant in the United States would endanger the public safety or where the diplomatic or consular officer believes that the applicant is a national of the United States and entitled to a passport as such or where the diplomatic or consular officer has any doubt with respect to the action he should take upon the application for a certificate of identity, the officer should suspend action and consult the Department of State.*

§ 317.8 *Form and issuance of certificate of identity.* The certificate of identity shall be issued on the approved form, printed upon the application form. It shall be signed and sealed by the diplomatic or consular officer, who shall state on the original and each copy thereof the date and place of issuance. The three copies shall be marked "copy". One copy and any documentary evidence submitted by the applicant shall be retained in the files of the issuing office, and two copies sent to the Department of State, one of which shall be forwarded to the Central Office, Immigration and Naturalization Service, Department of Justice.*

§ 317.9 *Period of validity of certificate of identity.* A certificate of identity shall expire six months from the date of its issuance, unless extended by direction of the Secretary of State.*

§ 317.10 *Denial of certificate of identity.* In case the certificate of identity is denied by a diplomatic or consular officer, a notation to that effect shall be made by him in the space provided therefor at the end of the original application and on each copy thereof. The notation shall set forth definitely the grounds for the denial. The original application and any documentary evidence submitted by the applicant shall be retained in the files of the office to which the application was submitted. One copy shall be returned to the applicant, and two copies shall be sent to the Department of State, one of which shall be forwarded to the Central Office, Immigration and Naturalization Service, Department of Justice.*

§ 317.11 *Appeal by applicant.* When an applicant is denied a certificate of identity, he may appeal by a written statement to the Secretary of State, setting forth fully the pertinent facts and the grounds upon which United States nationality is claimed and his reasons for considering that the denial of his application by the diplomatic or consular officer is not justified. The statement shall be executed in quadruplicate and submitted to the diplomatic or consular office in which the denial was made. If the statement contains facts not set forth in the application it shall be sworn to (or affirmed) by the applicant before a diplomatic or consular officer of the United States. The original statement and one copy shall be forwarded by the diplomatic or consular officer to the Department of State with two copies of the application for the certificate of identity and any documentary evidence submitted by the applicant, if the copies have not already been sent to that Department. One copy of the statement shall be retained in the files of the diplomatic or consular office in which the denial was made and one copy returned to the applicant. If it is not practicable for the statement to be sworn to or affirmed by the applicant in the diplomatic or consular office in which the denial was made, it may be sworn to or affirmed in any other diplomatic or consular office of the United States. In such case, the original and two copies of the statement shall be forwarded by that office to the diplomatic or consular office in which the application was denied, but if that is not practicable they shall be sent directly to the Department of State. One copy shall be returned to the applicant.*

§ 317.12 *Certificate of identity obtained by fraud or other illegality.*[1] Whenever a certificate of identity is found by a diplomatic or consular officer of the United States to have been obtained by fraud or other illegality, or to be in the possession of a person other than the rightful holder, such officer shall, if practicable, obtain possession of the certificate and send it, together with a report on the matter, directly to the Department of State.*

[SEAL] CORDELL HULL,
Secretary of State.

Approval recommended:

LEMUEL B. SCHOFIELD,
Special Assistant to the Attorney General in Charge Immigration and Naturalization Service.

Approved:

FRANCIS BIDDLE,
Acting Attorney General.

AUGUST 19, 1941.

[F. R. Doc. 41-6254; Filed, August 21, 1941; 9:57 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER I—BUREAU OF ANIMAL INDUSTRY

[Amendment 7 to B.A.I. Order 365]

PART 151—RECOGNITION OF BREEDS AND PUREBRED ANIMALS

ORDER AMENDING REGULATIONS RELATING TO RECOGNITION OF BREEDS AND PUREBRED ANIMALS

Pursuant to the authority vested in the Secretary of Agriculture by section 201, paragraph 1606, Title II, of the Act of June 17, 1930 (46 Stat. 673; 19 U.S.C., sec. 1201, par. 1606), paragraph (a) of § 151.6, Chapter I, Title 9, Code of Federal Regulations [Section 2, paragraph 2, Regulation 2, B.A.I. Order 365], is amended, effective August 25, 1941, by adding to the subdivision of said paragraph relating to horses the following breed and book of record:

§ 151.6 *List of recognized breeds and books of record of domestic animals across seas.*

* * * * *

[1] For regulations with respect to admission of holder of certificate of identity issued under section 503 of the Nationality Act of 1940 see 8 CFR, part 112.

(a) *Recognized breeds and books of record across the seas.*

* * * * *

Horses

Name of breed	Book of record	By whom published
American saddle horse.	American Saddle Horse Section of the Canadian National Live Stock Record General Stud and Herd Book.[1]	Canadian National Live Stock Records, R. G. T. Hitchman, Director, Ottawa, Canada.

[1] Provided that no horse or horses registered in this book shall be certified as purebred unless a certificate giving three generations of complete and recorded purebred American Saddle Horse ancestry, issued by the organization named, is submitted for each horse.

Done at Washington, D. C., this 20th day of August 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-6289; Filed, August 21, 1941; 11:47 a. m.]

TITLE 22—FOREIGN RELATIONS

CHAPTER 1—DEPARTMENT OF STATE

PART 19—NATIONALITY UNDER THE ACT OF 1940

CERTIFICATE OF IDENTITY FOR ADMISSION TO THE UNITED STATES TO PROSECUTE AN ACTION UNDER SECTION 503 OF THE ACT

Sec.

§ 19.18 *Authority for issuance of certificate of identity.* Section 503 of the Nationality Act of 1940 (54 Stat. 1171, 1172; 8 U.S.C. 903) provides:

If any person who claims a right or privilege as a national of the United States is denied such right or privilege by any Department or agency, or executive official thereof, upon the ground that he is not a national of the United States, such person, regardless of whether he is within the United States or abroad, may institute an action against the head of such Department or agency in the District Court of the United States for the District of Columbia or in the district court of the United States for the district in which such person claims a permanent residence for a judgment declaring him to be a national of the United States. If such person is outside the United States, and shall have instituted such an action in court, he may, upon submission of a sworn application showing that the claim of nationality presented in such action is made in good faith and has a substantial basis, obtain from a diplomatic or consular officer of the United States in the foreign country in which he is residing a certificate of identity stating that his nationality status is pending before the court, and may be admitted to the United States with such certificate upon the condition that he shall be subject to deportation in case it shall be decided by the court that he is not a national of the United States. Such certificate of identity shall not be denied solely on the ground that such person has lost a status previously had or acquired as a national of the United States; and from any denial of an application for such certificate the applicant shall be entitled to an appeal to the Secretary of State, who, if he approves the denial, shall state in writing the reasons for his decision. The Secretary of State, with approval of the Attorney General, shall prescribe rules and regulations for the issuance of certificates of identity as above provided.

§ 19.19 *Application for certificate of identity*—(a) *What application shall show.* The application for a certificate of identity shall show:

(1) The full and true name of the applicant;

(2) The place of his residence outside the United States;

(3) That he claims to be a national of the United States, and the basis of such claim and evidence submitted in support thereof;

(4) That such claim is made in good faith and upon a substantial basis;

(5) That he claims a right or privilege as a national of the United States, and specifically the nature of such claim;

(6) That such right or privilege has been denied him by a specified department or agency or executive official of the United States on the ground that the applicant is not a national of the United States, and the date and place of such denial;

(7) That an action for a judgment declaring applicant to be a national of the United States has been instituted by him against the head of such department or agency in the District Court of the United States for the District of Columbia or in the district court of the United States for the specified district in which he claims permanent residence;

(8) That such action was instituted in good faith with the intention of prosecuting it to conclusion and is pending in such court;

(9) That he desires to proceed to the United States to prosecute such action;

(10) That, if granted a certificate of identity and admitted to the United States for the purpose of prosecuting such action, he will do so with due diligence;

(11) That he understands that admission to the United States upon such certificate of identity shall be under regulations prescribed in part 112 of chapter I, title 8, Code of Federal Regulations, and upon the condition that he shall be subject to deportation if the final outcome of such court action is not to the effect that he is a national of the United States and if he then fails to depart therefrom without delay in accordance with directions from the Immigration and Naturalization Service; and

(12) Such other facts and proofs, with respect to the foregoing, as may be required by the application form or by the diplomatic or consular officer before whom the application for a certificate of identity is executed.

(b) *Supporting witness.* The application for a certificate of identity shall be suported by the affidavit of a credible witness, but this requirement may be waived in the discretion of the officer before whom the application is executed.

(c) *Form and execution.* The application for a certificate of identity shall be made in quadruplicate on an approved form and shall be signed and sworn to (or affirmed) by the applicant in person before a diplomatic or consular officer of the United States. The affidavit of the witness, if not waived, shall also be made before a diplomatic or consular officer of the United States. The application shall be accompanied by four photographs of the applicant taken within thirty days of the date on which the application is filed. The photographs shall be 2 by 2 inches in size, unmounted, printed on thin paper, have a light background, and clearly show a full front view of the features of the applicant (with head bare, unless the applicant is a member of a religious order wearing a headdress), with the distance from the top of head to point of chin approximately 1¼ inches. Snapshot, group, or full length pictures will not be accepted. The applicant, except in the case of a person physically or otherwise incapable of signing his name, shall sign each copy of the photograph with his full, true name in such manner as not to obscure the features. The signature shall be by mark if the applicant is unable to write. One photograph shall be glued to the original application and one to each copy thereof and impressed with the legend machine so as not to cover the features. Officers not having a legend machine will use the impression seal. The consular impression seal should invariably be used in completing the application. Fingerprints of the applicant shall be required and attached to the application and each copy thereof, as in the case of a visa.*

*§§ 19.19 to 19.29, inclusive, issued under authority contained in sec. 503, 54 Stat. 1171, 1172; 8 U.S.C. 903. Statutes interpreted or applied are listed in parentheses at the end of specific sections.

§ 19.20 *Independent investigation.* When an application for a certificate of identity is executed before a diplomatic or consular officer, an independent investigation of the facts in the case should be made, as far as practicable, by such officer, even though the application and proofs submitted therewith may on their face appear to justify issuance of a certificate of identity.*

§ 19.21 *Good faith and substantial basis of claim of United States nationality*—(a) *Relationship to provision concerning loss of nationality.* The provision in section 503 of the Nationality Act of 1940 that a certificate of identity shall not be denied "solely on the ground that such person has lost a status previously had or acquired as a national of the United States" is to be read with the provision of the section that the claim of

nationality presented in the court action be made in good faith and have a substantial basis.

(b) *Meaning of good faith.* Good faith means an honest belief of the applicant that he is a national of the United States, and is to be determined by the diplomatic or consular officer of the United States in the light of the facts and circumstances of each case. For example, where it appears that United States nationality has been lost by naturalization of the person upon his own application in a foreign state, good faith would appear to be lacking in the absence of a satisfactory showing to the contrary. Special care should be taken in the examination of the case of an applicant who, while in a foreign state, has exercised any rights or performed any duties for which only nationals of such state are eligible.

(c) *Meaning of substantial basis.* A substantial basis of a claim of United States nationality means one which satisfies the diplomatic or consular officer of the United States that the claim of the applicant that he is a national of the United States is, notwithstanding any previous ruling of a department, agency, or executive official of the United States, sufficiently meritorious to justify resort to the court for a determination of the question.*

§ 19.22 *Denial of a right or privilege as a national of the United States.* Denial by a department or agency or executive official of the United States of a right or privilege as a national of the United States may occur in the administration of various laws. For example, it may occur where a person has applied as a national of the United States for a passport or for registration at an American consulate or for non-quota status of an alien wife or alien minor child under sections 4 and 9 of the Immigration Act of 1924, and the application is denied on the ground that the applicant is not a national of the United States.*

§ 19.23 *Proof of institution of action.* Proof that the applicant has instituted an action referred to in § 317.2 is best made by presentation of a duly certified copy of the complaint filed in the action. The presentation of such a copy may be waived only when other evidence is furnished which satisfactorily establishes that the suit has been instituted and is pending.*

§ 19.24 *In case of doubt as to issuance of certificate of identity.* Where it appears that the presence of the applicant in the United States would endanger the public safety or where the diplomatic or consular officer believes that the applicant is a national of the United States and entitled to a passport as such or where the diplomatic or consular officer has any doubt with respect to the action he should take upon the application for a certificate of identity, the officer should suspend action and consult the Department of State.*

§ 19.25 *Form and issuance of certificate of identity.* The certificate of identity shall be issued on the approved form, printed upon the application form. It shall be signed and sealed by the diplomatic or consular officer, who shall state on the original and each copy thereof the date and place of issuance. The three copies shall be marked "copy". One copy and any documentary evidence submitted by the applicant shall be retained in the files of the issuing office, and two copies sent to the Department of State, one of which shall be forwarded to the Central Office, Immigration and Naturalization Service, Department of Justice.*

§ 19.26 *Period of validity of certificate of identity.* A certificate of identity shall expire six months from the date of its issuance, unless extended by direction of the Secretary of State.*

§ 19.27 *Denial of certificate of identity.* In case the certificate of identity is denied by a diplomatic or consular officer, a notation to that effect shall be made by him in the space provided therefor at the end of the original application and on each copy thereof. The notation shall set forth definitely the grounds for the denial. The original application and any documentary evidence submitted by the applicant shall be retained in the files of the office to which the application was submitted. One copy shall be returned to the applicant, and two copies shall be sent to the Department of State, one of which shall be forwarded to the Central Office, Immigration and Naturalization Service, Department of Justice.*

§ 19.28 *Appeal by applicant.* When an applicant is denied a certificate of identity, he may appeal by a written statement to the Secretary of State, setting forth fully the pertinent facts and the grounds upon which United States nationality is claimed and his reasons for considering that the denial of his application by the diplomatic or consular officer is not justified. The statement shall be executed in quadruplicate and submitted to the diplomatic or consular office in which the denial was made. If the statement contains facts not set forth in the application it shall be sworn to (or affirmed) by the applicant before a diplomatic or consular officer of the United States. The original statement and one copy shall be forwarded by the diplomatic or consular officer to the Department of State with two copies of the application for the certificate of identity and any documentary evidence submitted by the applicant, if the copies have not already been sent to that Department. One copy of the statement shall be retained in the files of the diplomatic or consular office in which the denial was made and one copy returned to the applicant. If it is not practicable for the statement to be sworn to or affirmed by the applicant in the diplomatic or consular office in which the denial was made, it may be sworn to or affirmed in any other diplomatic or consular office of the United States. In such case, the original and two copies of the statement shall be forwarded by that office to the diplomatic or consular office in which the application was denied, but if that is not practicable they shall be sent directly to the Department of State. One copy shall be returned to the applicant.*

§ 19.29 *Certificate of identity obtained by fraud or other illegality.*[1] Whenever a certificate of identity is found by a diplomatic or consular officer of the United States to have been obtained by fraud or other illegality, or to be in the possession of a person other than the rightful holder, such officer shall, if practicable, obtain possession of the certificate and send it, together with a report on the matter, directly to the Department of State.*

[SEAL] CORDELL HULL,
Secretary of State.

Approval recommended:

LEMUEL B. SCHOFIELD,
Special Assistant to the Attorney General in Charge Immigration and Naturalization Service.

Approved:

FRANCIS BIDDLE,
Acting Attorney General.

AUGUST 19, 1941.

[F. R. Doc. 41-6254; Filed, August 21, 1941; 9:57 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-595]

PART 324—MINIMUM PRICE SCHEDULE, DISTRICT NO. 4

ORDER OF THE DIRECTOR GRANTING PERMANENT RELIEF IN PART IN THE MATTER OF THE PETITION OF WUKELIC COAL COMPANY, TERAMANA BROTHERS COAL COMPANY, AND CARMAN COAL COMPANY FOR SPECIAL RELIEF UNDER THE PROVISIONS OF PRICE INSTRUCTION NO. 9 OF SUPPLEMENT NO. 1 TO PRICE SCHEDULE NO. 1 FOR DISTRICT NO. 4

An original petition, pursuant to section 4 II (d) and Price Instruction No. 9 of the Schedule of Effective Minimum Prices for District No. 4 For All Shipments Except Truck, as amended, which provides that in proper cases permission may be granted to code members to add less than the actual cost of transportation to the minimum f. o. b. mine price, having been duly filed with the Bituminous Coal Division on January 15, 1941, by the Wukelic Coal Company, Teramana Brothers Coal Company, and Carman Coal Company, code members in District No. 4, requesting permission to absorb all costs of haulage on mine run coal in excess of 15¢ from petitioners' mines to the plant of the Kaul Clay Company in Toronto, Ohio; and

[1] For regulations with respect to admission of holder of certificate of identity issued under section 503 of the Nationality Act of 1940 see 8 CFR, part 112.

A hearing having been held in this matter pursuant to Order of the Director, before a duly designated Examiner of the Bituminous Coal Division at Washington, D. C., at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard; and

Temporary relief having been granted after an informal conference, pending final disposition of the original petition by Order of the Directer dated February 18, 1941;[1] and

The preparation and filing of a report by the Examiner having been waived and the matter submitted to the Director; and

The Director having made Findings of Fact[2] and Conclusions of Law and rendered an Opinion in this matter which are filed herewith;

Now, therefore, it is ordered, That § 324.21 (*Price instructions and exceptions*) in the Schedule of Effective Minimum Prices for District No. 4 For Truck Shipments only should be amended by the addition of the following exception to Price Instruction 6 thereof:

Exception: Where coals from the Wukelic Mine (Mine Index No. 663), Teramana Mine (Mine Index No. 659), and Carman Mine (Mine Index No. 1931), are sold f. o. b. the Kaul Clay Company plant at Toronto, Ohio, there may be added to the applicable effective minimum f. o. b. mine price less than the actual transportation costs from the mine to that point, but in no event less than 15¢ per net ton.

Dated: August 19, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6271; Filed, August 21, 1941; 10:10 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

[Amendment No. 3]

CAMP REGULATIONS

AMENDING THE REGULATIONS SO AS TO CLARIFY PROVISIONS CONCERNING RELEASE OF ASSIGNEE

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and by Executive Order of the President, dated February 6, 1941 (Executive Order No. 8675[3]), I hereby amend, effective fifteen (15) days after the filing of this amendment with the Division of the Federal Register, the Camp Regulations[4] by deleting subparagraph *c* of paragraph 21 thereof and substituting therefor the following:

c. Each assignee who completes his period of active participation in work of national importance under civilian direction shall receive a Certificate of Release from Active Participation in Work of National Importance under Civilian Direction (Form 45). Four copies of Form 45 will be prepared in National Headquarters and distributed as follows: The original will be transmitted to the Camp Director for delivery to the releaser assignee; two copies will be sent to the appropriate State Director who will retain one copy for his file and transmit the other copy to the assignee's local board; one copy will be filed in the assignee's file in National Headquarters.

Each such assignee, after the completion of his period of work, shall be transferred to a reserve until he attains the age of forty-five, or until the expiration of ten years after such transfer, or until he is discharged from such reserve, whichever occurs first, and shall, during such period, be deemed to be a member of such reserve and shall be subject to such additional participation in work of national importance under civilian direction as may now or hereafter be prescribed by law.

In the event an assignee is released from active participation in work of national importance under civilian direction prior to the completion of his period of such active work, he shall receive an Interim Certificate of Release from Active Participation in Work of National Importance under Civilian Direction (Form 46) stating the reasons for such release. Four copies of Form 46 will be prepared in National Headquarters, and distributed as follows; The original will be transmitted to the Camp Director for delivery to the released assignee; two copies will be sent to the appropriate State Director who will retain one copy for his file and transmit the other copy to the assignee's local board; one copy will be filed in the assignee's file in National Headquarters.

Upon receipt of a copy of the assignee's Interim Certificate of Release from Active Participation in Work of National Importance under Civilian Direction (Form 46), the assignee's local board may reopen the case of the assignee and consider the classification anew (see section XXX, Selective Service Regulations).

When an assignee has completed his period of active participation in work of national importance under civilian direction or for any other reason is released from such active participation (except where an assignee has been inducted into the armed forces of the United States), he will receive transportation and necessary meal and lodging tickets from the camp (or other place of release) to (1) the local board from which assignee was assigned; or (2) the assignee's home if the distance thereto is equal to or less than the distance to the local board of assignment; or (3) any other place chosen by the assignee if the distance thereto is equal to or less than the distance to the local board of assignment or assignee's home: *Provided,* That if an assignee has been transferred to the camp (or other place of release) for the convenience of the assignee, he shall not be provided with transportation and necessary meal and lodging tickets in excess of the transportation and necessary meal and lodging tickets that would have been required had such transfer not taken place.

LEWIS B HERSHEY,
Director.

AUGUST 19, 1941.

[F. R. Doc. 41-6240; Filed, August 20, 1941; 3:11 p. m.]

[Amendment No. 83]

SELECTIVE SERVICE REGULATIONS

AMENDING THE REGULATIONS SO AS TO PROVIDE FOR THE ISSUANCE OF MEAL OR LODGING REQUESTS AND TRANSPORTATION REQUESTS BY DULY AUTHORIZED REPRESENTATIVES OF THE STATE DIRECTOR OR DIRECTOR OF SELECTIVE SERVICE

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective immediately upon the filing hereof with the Division of the Federal Register, the Selective Service Regulations, Volume Five, Section XLI, in the following respects:

1. By changing the thirteenth line of the index thereof to read:

Meal or Lodging Requests (Form 256)--- 532

2. By changing the title of Paragraph 532 and by striking out the present paragraph and substituting in lieu thereof the following:

532. *Meal or Lodging Requests (Form 256).* *a.* Books of Meal or Lodging Requests shall be supplied by the Director of Selective Service to the State Director, who in turn shall supply local boards with such books of Requests as are necessary. Requests shall be issued by local boards or by any duly authorized representative of the State Director or Director of Selective Service to provide necessary meals or lodgings, at customary hours, for registrants ordered to report to medical advisory boards, to examining boards of the armed forces, or to induction stations. One Request may be used to provide meals or lodgings for a group of registrants.

b. For a registrant ordered to report to a medical advisory board, or to an examining board of the armed forces, meals or lodgings shall be provided for the time spent in travel from the local board to the medical advisory board and return, or to the examining board of the armed forces and return, and for the three days or less that a registrant may be before a medical advisory board or an examining board of the armed forces.

c. For a registrant ordered to report to an induction station, meals or lodgings shall be provided from the time the registrant reports at the local board to the

[1] 6 F.R. 1090.
[2] Not filed as part of the original document.
[3] 6 F.R. 831.
[4] 6 F.R. 2001, 3645, 3862.

time he is scheduled to arrive at the induction station.

d. The value of such meals or lodgings shall not exceed the following amounts:

Breakfast	$0.50
Lunch	.50
Dinner	.75
Lodging, per day	1.50

e. When a Meal or Lodging Request is issued to a registrant, the memorandum copy shall be completed and forwarded to the State Director of Selective Service. The stub, with the pertinent information thereon, shall be retained in the book.

f. No erasures or alterations of any kind shall be made. If an error is detected or a Request is erroneously made out the original and memorandum copies shall be marked "Canceled" and returned to the State Director of Selective Service, who shall in turn forward both to the Director of Selective Service.

g. When all Requests in a book have been used, the book shall be forwarded to the State Director of Selective Service, who, after crediting the board, shall forward the book to the Director of Selective Service, Washington, D. C.

h. Meal or Lodging Requests are in the nature of checks and care should be taken that books or Requests do not fall into the hands of unauthorized persons. Books shall be receipted for and accounted for separately from other supplies.

3. By striking out the present Paragraph 533 and substituting in lieu thereof the following:

533. *Transportation Request (Form 1030): Use and preparation.* *a.* Transportation Requests shall be issued for both land and water transportation, including ocean travel, and for sleeping car service. Books of Transportation Requests shall be supplied by the Director of Selective Service to the State Director, who in turn shall supply local boards with such books of Requests as are necessary. Requests shall be issued by local boards or by any duly authorized representative of the State Director or Director of Selective Service as follows:

When it is necessary to transport selected registrants from local boards to induction stations;

When it is necessary to transport a registrant from the office of a local board to the office of a medical advisory board and return;

When it is necessary to transport a registrant from the office of a local board to an examining board of the armed forces and return; and

When travel is performed by officers or employees incident to the provisions of the Selective Service Law.

b. In the preparation of Transportation Requests, the typewriter shall be used when practicable; otherwise, ink or indelible pencil. The use of ordinary lead pencil is prohibited.

c. The issuing official shall enter the estimated cost of transportation on the memorandum copy.

d. The memorandum copies (Form 1031) of all Transportation Requests issued shall be detached and mailed under the same cover, at the close of the day on which issued, directly to the Finance Officer, United States Army, Transportation Division, Washington, D. C.

e. No alteration shall be made above the signature of the issuing officer. In case of errors requiring erasures, the Request shall be canceled and a new Request issued. If explanations are required, they shall be made on the back of the Request.

f. If a Transportation Request is canceled before the memorandum copy (Form 1031) has been forwarded to the Finance Officer, the canceled Request and memorandum copy shall be forwarded to the Director of Selective Service, Washington, D. C. If cancellation occurs after the memorandum copy (Form 1031) has been forwarded to the Finance Officer, the canceled Request shall be promptly sent to the Finance Officer, United States Army, Transportation Division, Washington, D. C.

g. Great care must be exercised in safeguarding Transportation Requests. When Requests are lost or stolen, the person to whom the book was issued or the traveler shall immediately notify the Director of Selective Service, Washington, D. C., and local ticket agents, giving the serial numbers of the Requests. The Director of Selective Service shall immediately pass this information on to the Finance Officer, United States Army, Washington, D. C.

h. If a lost or stolen Transportation Request is later recovered, it shall not be used, but shall be canceled and forwarded to the Director of Selective Service, Washington, D. C.

i. When all Transportation Requests have been issued or canceled, the book, with the tabulation sheet (Form 1029), shall be forwarded to the State Director of Selective Service who, after crediting the board, shall forward it to the Director of Selective Service, Washington, D. C.

LEWIS B. HERSHEY,
Director.

AUGUST 16, 1941.

[F. R. Doc. 41-6241; Filed, August 20, 1941; 3:11 p. m.]

[No. 24]

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of Paragraph 163 and Appendix A to Volume One of the Selective Service Regulations,[1] I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 172-A, entitled "Index to 'S' Serial Numbers In Second National Master List," effective immediately upon the filing hereof with the Division of the Federal Register.

The foregoing addition shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of Appendix A to Volume One, Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

AUGUST 19, 1941.

[F. R. Doc. 41-6238; Filed, August 20, 1941; 3:11 p. m.]

[No. 25]

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of Paragraph 163 and Appendix A to Volume One of the Selective Service Regulations, I hereby prescribe the following changes in DSS forms:

1. Addition of a new form designated as DSS Form 45 entitled "Certificate of Release from Active Participation in Work of National Importance Under Civilian Direction" effective fifteen (15) days after the filing hereof with the Division of the Federal Register.

2. Addition of a new form designated as DSS Form 46 entitled "Interim Certificate of Release from Active Participation in Work of National Importance Under Civilian Direction" effective fifteen (15) days after the filing hereof with the Division of the Federal Register.

The foregoing additions shall, effective fifteen (15) days after the filing hereof with the Division of the Federal Register, become a part of Appendix A to Volume One of the Selective Service Regulations.

LEWIS B. HERSHEY,
Deputy Director.

AUGUST 19, 1941.

[F. R. Doc. 41-6239; Filed, August 20, 1941; 3:11 p. m.]

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 967—FORMALDEHYDE, PARAFORMALDEHYDE, HEXAMETHYLENETETRAMINE AND SYNTHETIC RESINS

General Preference Order No. M-25 To Conserve the Supply and Direct the Distribution of Formaldehyde, Paraformaldehyde, Hexamethylenetetramine and Synthetic Resins Produced Therefrom

Whereas the national defense requirements have created a shortage of For-

[1] 5 F.R. 3785.

maldehyde, Paraformaldehyde, Hexamethylenetetramine and Synthetic Resins produced therefrom, for defense, for private account, and for export and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered that:

§ 967.1 *General preference order*—(a) *Definitions.* For the purposes of this Order:

(1) "Person" means any person, firm, corporation, or other form of business enterprise.

(2) "Producer" means any Person engaged in the production of Formaldehyde, Paraformaldehyde, Hexamethylenetetramine or Synthetic Resins produced therefrom and includes any Person who has the foregoing products produced for him pursuant to toll agreement.

(3) "Defense Order" means:

(i) Any contract or order for material or equipment to be delivered to, or for the account of:

(*a*) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and development;

(*b*) The government of any of the following countries: The United Kingdom, Canada and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, The Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia.

(ii) Any contract or order placed by any agency of the United States Government for delivery to, or for the account of, the government of any country listed above or any other country in the Western Hemisphere pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States." (Lend-Lease Act).

(iii) Any other contract or order to which the Director of Priorities assigns a preference rating of A–10 or higher.

(iv) Any contract or order placed or offered by any person for the delivery of any material all of which is to be physically incorporated into material or equipment to be delivered under specific contracts or orders included under (i), (ii), and (iii) above.

(b) *Preference ratings and directions.* Deliveries of Formaldehyde, Paraformaldehyde, Hexamethylenetetramine and Synthetic Resins produced therefrom shall be made in accordance with the following directions:

(1) Deliveries under Defense Orders shall be made in preference to deliveries under all other orders whenever, and to the extent, necessary to assure fulfillment of the delivery schedule specified in such Defense Orders or in any individual preference rating certificates assigned thereto, whichever schedule be earlier.

(2) Preference ratings, in order of precedence, are: AA, A–1–a, A–1–b, etc., * * * A–1–j; A–2, A–3, etc., * * * A–10.

(3) Deliveries under all Defense Orders which have not been assigned a higher preference rating are hereby assigned a preference rating of A–10.

(4) Defense Orders for Formaldehyde, Paraformaldehyde, Hexamethylenetetramine or Synthetic Resins produced therefrom, whether or not accompanied by a Preference Rating Certificate, must be accepted and fulfilled in preference to any other contracts or purchase orders for such material, subject to the following provisions:

(i) Defense Orders must be accepted even if acceptance will render impossible, or result in deferment of,

(*a*) Deliveries under non-defense orders previously accepted, or

(*b*) Deliveries under Defense Orders previously accepted bearing lower preference ratings, unless rejection is specifically permitted by the Director of Priorities;

(ii) Defense Orders need not be accepted

(*a*) If delivery on schedule thereunder would be impossible by reason of the requirements of Defense Orders previously accepted bearing higher or equal preference ratings, unless acceptance is specifically directed by the Director of Priorities.

(*b*) If the Person seeking to place the Defense Order is unwilling or unable to meet regularly established prices and terms of sale or payment, but there shall be no discrimination against Defense Orders in establishing such prices or terms;

(*c*) If the Formaldehyde, Paraformaldehyde, Hexamethylenetetramine or Synthetic Resins produced therefrom ordered are not of the kinds usually produced or capable of being produced by the Person to whom the Defense Order is offered;

(*d*) If such Defense Orders specify deliveries within fifteen days, and if compliance with such delivery dates would require the termination before completion of a specific production schedule already commenced.

(c) *Directions with respect to residual supply.* After providing for all deliveries under Defense Orders giving preference among such deliveries in accordance with any preference rating specifically assigned thereto, deliveries of Formaldehyde, Paraformaldehyde, Hexamethylenetetramine and Synthetic Resins produced therefrom under other contracts or orders shall be made in accordance with the following directions:

(1) Non-defense uses of molding compounds, plastics, adhesives and miscellaneous binders made from Synthetic Resins shall be divided into the following three classifications:

(i) Classification I: Public and industrial heat, light, power and water equipment; transportation equipment—including accessories to commercial airplanes; trucks, buses, tractors, firefighting and farm implements; technical instruments; material and equipment for scientific research; chemical protective uses; applications in the communications industry; industrial equipment; oil well equipment; housing, other than protective coatings; mining; industrial, food, and medicinal containers and protective coverings therefor; closures, except decorative; marine applications; grinding wheels and other abrasive products.

(ii) Classification II: Tables and kitchenware, save as expressly classified under III; Protective coatings not otherwise specified; Radios; Household appliances; Textile finishing; Domestic wiring devices; Passenger automobiles; Buttons; Brushes; Furniture; Pipe stems; Commercial cameras and other commercial photographic equipment; Articles fashioned from standard casts by hand operations; Paper treatment; Containers not otherwise specified.

(iii) Classification III: Amateur cameras and other photographic equipment; Hardware; Smokers' articles, except pipe stems; Decorative articles, vases, bric-a-brac, not otherwise specified; Tumblers, cups, and plates; Premium and advertising items; Novelties, not otherwise specified; Buckles and findings, not otherwise specified; Displays, Escutcheon plates; Picture frames; Toys; Games; Phonographs; Minor utilitarian items easily substitutable—bookends, stationers' articles, mechanical pencils, and the like; Articles or uses excluded from Classifications I and II (and therefore denied preference ratings) pursuant to paragraph (c) (2) below, because either the use of resins with respect to them is not essential to their functioning or satisfactory substitutes for resins therefor are available.

Provided, however, That articles that would otherwise be classified under Classification III, which are composed to the extent of 90% or over by value of raw materials other than Formaldehyde, Paraformaldehyde, or Hexamethylenetetramine Resins, and in which the Formaldehyde Resins are essential, shall be classified under Classification II. In the event that classification of any product under Classification III works any undue or unreasonable hardship or causes unemployment disproportionate to the conservation of raw materials, special exceptions for such lengths of time as may be deemed necessary may be made by the Director of Priorities of the Office of Production Management, with the concurrence of the Director of Civilian Allocation of the Office of Price Administration and Civilian Supply.

(2) Deliveries of Resins made directly or indirectly from Formaldehyde for non-defense uses, enumerated in Classifica-

tion I, are hereby assigned a preference rating of B–4, and deliveries of Resins made directly or indirectly from Formaldehyde for non-defense uses, enumerated under Classification II, are hereby assigned a preference rating of B–8. In Classifications I and II, the preference ratings, hereinabove mentioned in this paragraph (c) (2), are granted only to deliveries of Resins the use of which is essential to the functioning of the classified article or use; and no such preference ratings are assigned to deliveries of Resins if satisfactory substitutes therefor are available. The quantities of Resins available for the production of articles in Classification II may be limited in amount, in which event such limited amount shall be equitably distributed.

(3) No Person shall produce, sell, or use Resins made directly or indirectly from Formaldehyde for the making of molding compounds, plastics, adhesives, and miscellaneous binders for non-defense uses enumerated in Classification III, nor shall any Person produce, sell, or use Formaldehyde, Paraformaldehyde, or Hexamethylenetetramine for the making of Resins from which molding compounds, plastics, adhesives, and miscellaneous binders for non-defense uses enumerated in Classification III are to be made.

(4) Deliveries of Formaldehyde, Paraformaldehyde, and Hexamethylenetetramine for all non-defense non-plastic uses are hereby assigned a preference rating of B–4.

(d) *Grievances.* When deliveries of Formaldehyde, Paraformaldehyde, Hexamethylenetetramine or Synthetic Resins produced therefrom have been unreasonably or improperly deferred, or when orders therefor have been rejected (for any reason other than the restrictions contained in this Order), the Person aggrieved may file with the Division of Priorities a verified report in form to be prescribed by the Division of Priorities, attention Chemicals Section, setting forth the facts in connection with such deferment or rejection.

(e) *Doubtful cases.* Whenever there is doubt as to the preference rating applicable to any delivery, or whether an order or contract placed or offered to be placed, constitutes a Defense Order, the matter should be referred to the Division of Priorities for determination with a statement of all pertinent facts.

(f) *Excessive inventories.* The preference ratings granted by this Order shall not be used to accumulate excessive inventories.

(g) *Records, information, and inspection.* All Persons affected by this Order shall keep and preserve, for a period of not less than two years, accurate and complete records of their inventories of Formaldehyde, Paraformaldehyde, Hexamethylenetetramine and Synthetic Resins produced therefrom, and of the details of all transactions in any way regulated or affected by this Order. Such records shall include the dates of all contracts or orders accepted; the delivery dates specified in such contracts or orders, and in any Preference Rating Certificates accompanying them; the dates of actual deliveries thereunder; description of the material covered by such contracts or orders; description of deliveries by classes, types, quantities, and weights; the preference ratings, if any, assigned to such contracts or orders or to deliveries thereunder; the parties involved in each transaction; their sources of supply; and other pertinent information. All records specified in this paragraph shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Division of Priorities. All Persons affected by this Order shall execute and file with the Division of Priorities such reports and questionnaires as said Division shall from time to time request. No reports or questionnaires are to be filed by any Person until so requested and until forms therefor are prescribed by the Division of Priorities.

(h) *Appeal.* Except as otherwise provided in paragraph (c) (1) above, any Person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may appeal to the Division of Priorities by addressing a letter to the Division of Priorities, Office of Production Management, Social Security Building, Washington, D. C., setting forth the pertinent facts and the reasons such Person considers that he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(i) *Effective date.* This Order shall take effect on the 23rd day of August, 1941, and, unless sooner terminated by direction of the Director of Priorities, shall expire on the 31st day of December, 1941. (O.P.M., Reg. 3, March 7, 1941, 6 F.R. 1596; E.O. 8629, January 7, 1941, 6 F.R. 191; Sec. 2 (a), Public No. 671, 76th Congress, as amended by Public No. 89, 77th Congress; Sec. 9, Public No. 783, 76th Congress.)

Issued this 21st day of August 1941.

E. R. STETTINIUS, Jr.,
Director of Priorities.

[F. R. Doc. 41–6288; Filed, August 21, 1941; 11:58 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION AND CIVILIAN SUPPLY

PART 1335—CHEMICALS[1]

CIVILIAN ALLOCATION PROGRAM FOR FORMALDEHYDE, PARA-FORMALDEHYDE, HEXAMETHYLINETETRAMINE, AND SYNTHETIC RESINS PRODUCED THEREFROM

Section 1335.23 *Classification by uses,* is hereby amended as follows:

Section 1335.23 (a), line 7, is amended by deleting therefrom the words "(telephone and telegraph)."

Section 1335.23 (b) is amended by adding after the last line thereof two new lines, reading as follows:

Paper treatments.
Containers not otherwise specified.

Section 1335.23 (c), last line, is amended by deleting therefrom the figures "1325.3" and substituting in lieu thereof the figures "1335.22."

Issued this 21st day of August 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41–6281; Filed, August 21, 1941; 11:41 a. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 4—RULES GOVERNING BROADCAST SERVICES OTHER THAN STANDARD BROADCAST

The Commission on August 18, 1941, effective immediately, amended the following section to read:

§ 4.44 *Frequency assignment.* (a) The following groups of frequencies are allocated for assignment to international broadcast stations:

Group A (kc.): 6,040, 6,060, 6,080, 6,100, 6,120,[12a] 6,140, 6,170, 6,190.
Group B (kc.): 9,530, 9,550,[12a] [12b] 9,570, 9,590, 9,650, 9,670.
Group C (kc.): 11,710, 11,730,[12a] [12b] 11,790, 11,820, 11,830, 11,870, 11,890.
Group D (kc.): 15,130,[12a] 15,150, 15,210, 15,230, 15,270, 15,330, 15,350.
Group E (kc.): 17,750, 17,760, 17,780, 17,800, 17,830.
Group F (kc.): 21,460, 21,500,[12a] [12b] 21,520, 21,540, 21,570, 21,590, 21,610, 21,630, 21,650.
Group G (kc.): 25,600, 25,625, 25,650, 25,675, 25,700, 25,725, 25,750, 25,775, 25,800, 25,825, 25,850.

(b) Additional frequencies allocated by international agreement may be assigned to international broadcast stations subject to the conditions that no objectionable interference results to the service of foreign international broadcast stations which, in the opinion of the Commission, have priority of assignment.

(c) Any frequency licensed to an international broadcast station shall also be available for assignment to other inter-

[12a] Authorizations for international broadcast stations which permit operation on these frequencies shall be subject to the condition that the authorizations for these frequencies may be modified by the Commission to delete these frequencies without advance notice or hearing.

[12b] Authorizations for international broadcast stations which permit operation on these frequencies shall be subject to the condition that there shall be no commercial or advertising announcements of any kind in the programs broadcast through the medium of these frequencies, and that the names of program sponsors shall not be broadcast.

[1] 6 F.R. 3892.

national broadcast stations, provided no objectionable interference is caused to the service of any United States international broadcast station.

(d) An international broadcast station will not be authorized to use more than one frequency listed in any group listed in paragraph (a) without a showing of technical necessity.

(e) Not more than one frequency shall be used simultaneously under the same authorization and call letter designation. (Secs. 4 (i), 303 (c), 48 Stat. 1068, 1082; 47 U.S.C. 154 (i), pp. 303 (c)).

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-6282; Filed, August 21, 1941; 11:44 a. m.]

Notices

DEPARTMENT OF STATE.

SUPPLEMENT TO THE LIST OF PRODUCTS ON WHICH THE UNITED STATES WILL CONSIDER GRANTING CONCESSIONS TO CUBA

Correction

The table and footnotes in F.R. Doc. 41-6201 (Filed, August 20, 1941; 9:35 a. m.), appearing on page 4279 of the issue for Thursday, August 21, 1941, are corrected to read as follows:

United States Tariff Act of 1930, paragraph No.	Description of article	Present rate of duty (applicable to Cuban products)
5	All medicinal preparations of animal origin, not specially provided for.	20% ad val.
23	Chemicals, drugs, medicinal and similar substance, whether dutiable or free, when imported in capsules, pills, tablets, lozenges, troches, ampoules, jubes, or similar forms, including powders put up in medicinal doses.	Not less than 20% ad val.
34	Drugs of animal origin which are natural and uncompounded and not edible, and not specially provided for, but which are advanced in value or condition by shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to the proper packing of the drugs and the prevention of decay or deterioration pending manufacture, and not containing alcohol.	8% ad val.
706	Frog legs, fresh, chilled, frozen, prepared, or preserved.	$0.048 per lb., but not less than 16% ad val.
746	Mangoes	$0.12 per lb.
752	Fruits in their natural state, or in brine, pickled, dried, desiccated, evaporated, or otherwise prepared or preserved, and not specially provided for.	28% ad val.[1]
752	Fruit pastes and fruit pulps	28% ad val.[2]
765	Lima beans, green or unripe	$0.028 or $0.014 per lb.[3]

[1] The rate of duty, applicable to imports of Cuban origin, was reduced on dried, desiccated, or evaporated bananas following the granting of a concession on such products in the trade agreement with Costa Rica, effective August 2, 1937. That agreement reduced the general rate of duty on these products from 35% ad val. to 17½% ad val. and the rate to Cuba was thereby automatically reduced to 14% ad val., in accordance with the provision in the Cuban trade agreement under which imports from Cuba are entitled to a rate of duty not less than 20% below the lowest rate applicable to imports of similar products originating in any other country. The reduced general rate of duty was bound against increase in the trade agreement with Ecuador, effective October 23, 1938.

The rate of duty, applicable to imports of Cuban origin was reduced on prepared or preserved guavas, not specially provided for, following the granting of a concession on these products in the trade agreement with Haiti, effective June 3, 1935. That agreement reduced the general rate of duty on these products from 35% ad val. to 17½% ad val. and the rate to Cuba was thereby automatically reduced to 14% ad val., as in the case noted above of dried, desiccated, or evaporated bananas. The reduced general rate of duty on prepared or preserved guavas was subsequently bound against increase in trade agreements with Honduras, Guatemala, El Salvador, and Costa Rica.

[2] The rate of duty on mango pastes and pulps, and guava pastes and pulps, of Cuban origin, was reduced from 28% ad val. to 14% ad val. in the trade agreement with Cuba effective September 3, 1934.

[3] The rate of duty applicable to imports of Cuban origin of "lima beans, green or unripe, in their natural state, when imported and entered for consumption during the period from December 1 to the following May 31, inclusive, in any years," was reduced from $0.028 to $0.014 per lb. in the trade agreement with Cuba effective September 3, 1934. The duty on green or unripe lima beans of Cuban origin remained at the rate of $0.028 per lb. for any imports during the remainder of the year. The purpose of including lima beans in the present additional list of products upon which the United States will consider the possible granting of concessions to Cuba in the proposed supplementary trade agreement, is to modify the language of the concession in the original Cuban agreement so that it may conform more closely to the language of Paragraph 765 of the Tariff Act of 1930. It is not contemplated that any action which may be taken in the proposed supplementary agreement under this paragraph will result in a change in either the present seasonal period during which the reduced rate of duty applies to lima beans of Cuban origin, or in the rate of duty, which has already been reduced during the seasonal period by the maximum extent permitted under the Trade Agreements Act.

WAR DEPARTMENT.

[Contract No. W 669 qm-12670; O. I. No. 77]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: FORSTMANN WOOLEN CO., PASSAIC, NEW JERSEY

Contract for: Cloth, Doeskin, Olive Drab.

Amount: $1,037,500.00.

Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

This contract, entered into this eleventh day of July 1941.

Scope of this contract. The contractor shall furnish and deliver * * * yards cloth, doeskin, olive drab, for the consideration stated totaling one million, thirty-seven thousand, five hundred dollars ($1,037,500.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Delays—Damages. If the contractor refuses or fails to make delivery of acceptable material or supplies within the time or times specified in Article 1, or any extension or extensions thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay in the delivery of any articles, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Liquidated damages. Under the terms and conditions stipulated in Article 17 of this contract, the contractor shall pay to the Government, as liquidated damages, for each calendar day of delay in the delivery of any article, a sum equal to * * * percentum of the price of such article for each day's delay after the time specified for delivery.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P 2-02A 0515-2 the available balance of which is sufficient to cover cost of same.

This contract authorized under Procurement Directive No. P-C-6.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-6145; Filed, August 21, 1941; 9:54 a. m.]

[Contract No. W-6143-QM-806; O. I. 1575]

SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTOR: J. W. BATESON, AUSTIN, TEXAS

Contract for: Construction and Completion of Mobilization Buildings, Remodeling * * * Mobilization Buildings.

Amount: $1,538,000.00.

Place: Fort Sill, Oklahoma.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority QM 17004 Pl-3211 A0540-12, the available balance of which is sufficient to cover the cost of same.

This contract, entered into this 30th day of June, 1941.

Statement of work. The contractor shall furnish the materials, and perform the work for construction and completion of * * * Mobilization Buildings, Remodeling * * * Mobilization Buildings for the consideration of one million five hundred thirty eight thousand dollars ($1,538,000.00) in strict accordance with the specifications, schedules, and drawings, all of which are made a part hereof.

Changes. The contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings and/or specifications of this contract and within the general scope thereof.

Delays—Damages. If the contractor refuses or fails to prosecute the work, or any separable part thereof, with such diligence as will insure its completion within the time specified in article 1, or any extenson thereof, or fails to complete said work within such time, the Government may, by written notice to the contractor, terminate his right to proceed with the work or such part of the work as to which there has been delay. If the Government does not terminate the right of the contractor to proceed, the contractor shall continue the work, in which event the actual damages for the delay will be impossible to determine and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day or delay until the work is completed or accepted the amount as set forth in the specifications or accompanying papers and the contractor and his sureties shall be liable for the amount thereof.

Payments to contractors. Unless otherwise provided in the specifications, partial payments will be made as the work progresses at the end of each calendar month, or as soon thereafter as practicable, on estimates made and approved by the contracting officer. In preparing estimates the material delivered on the site and preparatory work done may be taken into consideration.

All material and work covered by partial payments made shall thereupon become the sole property of the Government.

Upon completion and acceptance of all work required hereunder, the amount due the contractor under this contract will be paid upon the presentation of a properly executed and duly certified voucher therefor.

This contract is authorized by the act of Public Law #29-77th Congress, approved April 5, 1941.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director
of Purchases and Contracts.

[F. R. Doc. 41-6246; Filed, August 21, 1941; 9:54 a. m.]

[Contract No. W 241 ORD-320]

SUMMARY OF EMERGENCY PLANT FACILITIES CONTRACT

CONTRACTOR: BRYANT CHUCKING GRINDER COMPANY

Contract[1] for: Acquisition or Construction of Emergency Plant Facilities for the manufacture of Internal Grinding Machines.

Place: Springfield, Vermont.

Estimated cost of emergency plant facilities: $1,088,650.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following procurement authority, the available balance of which is sufficient to cover the cost of the same: ORD 8593 P99—A-0141-02.

This contract, entered into this 18th day of June 1941.

ARTICLE I. *Emergency plant facilities to be acquired or constructed.* 1. The Contractor shall, with due expedition by contract with others or otherwise, acquire or construct at Springfield, Vermont, the Emergency Plant Facilities generally described below and set forth in further detail in Appendix A hereto annexed, furnishing or causing to be furnished the labor, materials, tools, machinery, equipment, facilities, supplies and services, and doing or causing to be done all other things necessary for the acquisition or construction of such Emergency Plant Facilities. The Emergency Plant Facilities are designated as constituting Additions to an Existing Plant.

2. It is estimated that the total cost of the acquisition or construction of the Emergency Plant Facilities will be approximately one million eighty-eight thousand six hundred fifty dollars ($1,088,650.00).

4. The title to all the Emergency Plant Facilities shall be in the Contractor. The Contractor shall, however, allow no mortgage or other lien to be an encumbrance upon the Emergency Plant Facilities (including the lien of any mortgage now existing upon property of the Contractor and any lien existing upon the facilities prior to their acquisition), and shall make no conveyance or transfer of such Facilities or of any item thereof, unless the written consent thereto of the Secretary of War or his duly authorized representative is first obtained (except as otherwise provided in Section 2 of Article IV); provided that in the event of the assignment of claims arising out of this contract in accordance with the provisions of Article VII hereof, the Government will not, because a mortgage or other lien has become an encumbrance upon the Emergency Plant Facilities in violation of the provisions of this Section, refuse payment of sums due as Government Reimbursement for Plant Costs in excess of the indebtedness secured by such mortgage or other lien.

7. Except as provided in Sections 5 and 6 of this Article, no salaries of the Contractor's executive officers, no part of the expense incurred in conducting the Contractor's main office or regularly established branch offices, and no overhead expenses of the Contractor of any kind shall be included in the cost of the work as set forth in the Final Cost Certificate. Interest on funds expended, as shown by the monthly and annual statements provided for under Section 5 of this Article, shall be included in such cost.

8. The Contractor shall, to the extent of its ability, take all cash and trade discounts, rebates, allowances, credits, salvage, commissions and bonifications available to the Contractor, and when unable to take advantage of such benefits it shall promptly notify the Contracting Officer in writing to that effect and the reason therefor. In determining the actual net cost of articles and materials of every kind required for the purpose of this contract, there shall be deducted from the gross cost thereof all such cash and trade discounts, rebates, allowances, credits, salvage, commissions and bonifications which have accrued to the benefit of the Contractor, or would so have accrued except for the fault or neglect of the Contractor. Such benefits lost through no fault or neglect on the part of the Contractor shall not be deducted from gross costs.

9. In the event that, after the filing of the Final Cost Certificate in connection with the Emergency Plant Facilities described in Appendix A, the Contracting Officer shall determine that further Emergency Plant Facilities, either in connection with a Complete Separate Plant or an addition to an Existing Plant are required for the purpose contemplated in this contract, he may enter into a contract amending this contract and Appendix A and subject to the limitations of Section 1 of Article II the additional cost of such further Emergency Plant Facilities shall be determined by the filing of an amendment to the Final Cost Certificate in the same manner as hereinbefore provided in respect of the Final Cost Certificate.

[1] Approved by the Under Secretary of War, June 30, 1941.

ART. III. *Disposition of emergency plant facilities on termination or completion of contract.* 1. *Notice of termination.* The Contracting Officer may at any time give written notice (hereinafter called the Termination Notice) to the Contractor terminating this contract. Upon receipt of the Termination Notice the Contractor shall, in the event that the acquisition and construction of the Emergency Plant Facilities shall not have been completed, proceed with the steps to be taken by it under Section 5 of Article II, if the Contractor shall fail to exercise the right of retention hereinafter conferred upon it in this Article.

2. *Rights of the contractor.* (a) The Contractor shall have the right, exercisable by a written notice (hereinafter referred to as the Retention Notice), given within 90 days (1) after the giving of a Termination Notice by either party, or (2) after the termination of this contract under Section 3 of Article II hereof, to retain under this paragraph for its own use outright, free of any interest of the Government, and/or to negotiate under paragraph (b) of this Section for such retention of, any Addition to an Existing Plant and/or the entire Emergency Plant Facilities.

(c) In respect of any of the Emergency Plant Facilities not designated in the Retention Notice for either retention by the Contractor or for negotiation, the Contractor shall promptly after giving of the Retention Notice transfer the same to the Government free and clear of all mortgages or liens not theretofore consented to by the Secretary of War or his duly authorized representative. If no Retention Notice be given within the time allowed for such notice under Section 2 of this Article, the Contractor shall promptly upon the termination of the time allowed for such notice transfer the entire Emergency Plant Facilities to the Government free and clear of all mortgages and liens not theretofore consented to by the Secretary of War or his duly authorized representative.

(e) To the extent permitted by law the Contractor shall have the right, with respect to any of the facilities not retained by the Contractor under paragraphs (a) or (b) of this Section, to negotiate with the Contracting Officer with reference to the leasing of all or any part thereof for such period and upon such terms (including provision for renewal and an option to purchase the same) as the Contractor and the Contracting Officer may agree upon, subject to the approval of the Secretary of War or his duly authorized representative.

3. *Rights of the Government.* (a) The Contractor agrees to furnish promptly to the Government in regard to any Emergency Plant Facilities which it transfers to the Government under any provision of Section 2 of this Article, without extra compensation therefor, all designs, drawings, specifications, blue prints, notes and data directly pertaining to such facilities only.

(d) No chattel which is part of the Emergency Plant Facilities shall be or become part of any realty whatsoever by reason of affixation to such realty, nor shall any chattel whatsoever be or become, by reason of such affixation, part of any realty which is included in the Emergency Plant Facilities.

ART. IV. *Loss or destruction of facilities and maintenance.* 1. In the event that all of the Emergency Plant Facilities or any item or group of items thereof shall, prior to the transfer by the Contractor to the Government, be destroyed or damaged by the operation of any risk required to be covered in respect of such facilities in insurance under Section 4 of Article I hereof, or of any risk in respect thereof actually covered by insurance carried by the Contractor, the Contractor shall immediately notify in writing the Contracting Officer and may on its own initiative, and the Government may by written notice given within 60 days require the Contractor to, apply the proceeds of the insurance coverage in respect of such facilities to the restoration, reconditioning or replacement, thereof.

ART. VII. *Assignment of contractor's claims.* 1. Claims for monies due or to become due to the Contractor from the Government arising out of this contract may be assigned to any bank, trust company or other financing institution, including any Federal lending agency; and any such assignment may cover all or any part of any claim or claims arising or to arise out of this contract and may be made to any one or more such institutions or to any one party as agent or trustee for two or more such institutions participating in the financing of this contract. Any claims so assigned may be subject to further assignment; and any bond, promissory note or other evidence of indebtedness secured by any such assignment may be rediscounted, hypothecated as collateral for a loan or credit, or sold with or without recourse. In the event of the assignment or reassignment of any claim for monies due or to become due under this contract the assignee thereof shall file written notice of the assignment or reassignment together with a true copy of the instrument of assignment or reassignment with (a) the General Accounting Office of the Government, (b) the Contracting Officer or the Secretary of War (c) the surety or sureties upon the bond or bonds, if any, in connection with such contract, and (d) with the Finance Officer * * *, who is hereby designated to make all payments under this contract. In no event shall copies of any plans, specifications or other similar documents marked "Secret" or "Confidential", and annexed or attached to this contract be furnished to any assignee of any claim arising under this contract or to any other person not otherwise entitled to receive the same.

ART. VIII. *Tax amortization.* 1. In the event that the Contractor makes application to the Advisory Commission to the Council of National Defense and to the War Department for a certificate with respect to terms contained in this contract or the necessity for any item or group of items of the Emergency Plant Facilities under Sections 23 and 124 of the Internal Revenue Code in accordance with rules governing such applications and the Contractor is thereafter refused the issuance of such certificate by either such Commission or the War Department, this contract shall terminate forthwith with the same effect as though a termination notice had been filed pursuant to Section 1 of Article III hereof.

This Contract is authorized by the following laws: Act of July 2, 1940 (Public No. 703, 76th Congress); Act of September 9, 1940 (Public No. 781, 76th Congress).

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-6247; Filed, August 21, 1941; 9:54 a. m.]

[Contract No. W-398-qm-10530; O. I. #5056]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: HARLEY - DAVIDSON MOTOR COMPANY, MILWAUKEE, WISCONSIN

Contract for: Motorcycles, Solo.

Amount: $1,302,213.00.

Place: Holabird Quartermaster Depot, Baltimore, Maryland.

This contract, entered into this 13th day of June 1941.

Scope of this contract. The contractor shall furnish and deliver motorcycles * * * for the consideration stated $1,302,213.00, in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will

be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 15921 P 37–3000 A 0525–12 the available balance of which is sufficient to cover cost of same.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–6248; Filed, August 21, 1941; 9:55 a. m.]

[Contract No. W 6101 qm–147; O. I. No. 6–41]

SUMMARY OF COST-PLUS-A-FIXED-FEE CONTRACT FOR ARCHITECT-ENGINEER SERVICES [1]

ARCHITECT ENGINEER: FRANK A. BARBOUR, 1119 TREMONT BUILDING, BOSTON, MASSACHUSETTS

Amount fixed fee: $43,620.

Estimated cost of construction project: $8,255,824.

Type of construction project: Construction of a complete cantonment including the necessary buildings, temporary structures, utilities and appurtenances thereto.

Location: Fort Devens, Ayer, Massachusetts.

Type of service: Architect-Engineer.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to, Procurement Authority No. QM 7071 P1–3211 A 1738–N the available balance of which is sufficient to cover the cost of same.

This contract, entered into this 7th day of October 1940.

ARTICLE I. *Description of the work.* The Architect-Engineer shall perform all the necessary services provided under this contract for the following described project: Construction of a complete cantonment including necessary buildings, temporary structures, utilities and appurtenances, at Fort Devens, Ayer, Massachusetts, and estimated to cost $8,255,824.

ART. III. *Data to be furnished by the Government.* The Government shall furnish the Architect-Engineer available schedules of preliminary data, layout sketches, and other information respecting sites, topography, soil conditions, outside utilities and equipment as may be essential for the preparation of preliminary sketches and the development of final drawings and specifications.

ART. VI. *Fixed-fee and reimbursement of expenditures.* In consideration for his undertakings under the contract, the Architect-Engineer shall be paid the following:

a. A fixed fee in the amount of forty-three thousand six hundred twenty dollars ($43,620) which shall constitute complete compensation for the Architect-Engineer's services.

b. Reimbursement for the following expenditures:

The Actual cost of expenditures made by the Architect-Engineer under the provisions of Article IV and Article VII of this contract.

ART. VIII. *Method of payment.* Payments shall be made on vouchers approved by the Contracting Officer on standard forms, as soon as practicable after the submission of statements, with original certified payrolls, receipted bills for all expenses including materials, supplies and equipment, and all other supporting data and the amount of the Architect-Engineer's fixed fee earned.

ART. IX. All drawings, specifications, and blue prints are to become the property of the Government on completion of payments.

ART. XII. *Changes in scope of project.* The Contracting Officer may at any time, by a written order, make changes in the scope of the work contemplated by this contract.

ART. XIII. *Termination for cause or for convenience of the Government.* The Government may terminate this contract at any time and for any cause by a notice in writing from the Contracting Officer to the Architect-Engineer.

This contract is authorized by the following laws:

Public No. 309—76th Congress, approved August 7, 1939.

Public No. 703—76th Congress, approved July 2, 1940.

Change Order No. A[1]—Date April 28, 1941

Pursuant to the authority vested in the Contracting Officer under Article XII of the contract above described you, as Architect-Engineer, are hereby directed to perform the work and services indicated below.

Provide the necessary Architect-Engineer services incident to the following changes in the work:

Add * * * to the description of the work now set forth in Article I of the principal contract.

Omit * * * from the description of the work now set forth in Article I of the principal contract.

The above will result in a net increase in the estimated construction cost and Architect-Engineer's fixed fee as follows:

Increase the Estimated Construction Cost by	$1,282,288
Total Estimated Cost (after deductions indicated above), including this change order	9,538,112
Total Fixed Fee including this Change Order	48,370
Increase in Architect-Engineer's Fixed Fee	4,750

Funds are available under Procurement Authority No. QM 7510 P1–3211 A 0540.068–N.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–6249; Filed, August 21, 1941; 9:55 a. m.]

[Contract No. W 6101 qm–148; O. I. No. 7–41]

SUMMARY OF COST-PLUS-A-FIXED-FEE CONSTRUCTION CONTRACT

CONTRACTORS: COLEMAN BROS. CORP., 245 STATE STREET, BOSTON, MASSACHUSETTS, AND JOHN BOWEN COMPANY, INC., 129 NEWBURY STREET, BOSTON, MASSACHUSETTS

Fixed-fee: $248,235.00.

Contract [1] for: Construction of a complete cantonment including the necessary buildings, temporary structures, utilities and appurtenances thereto.

Place: Fort Devens, Ayer, Massachusetts.

Estimated cost of project: $8,007,589.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same:

Procurement Authority QM 7511 P1–3211 A 0540.068–N.

This contract entered into this 10th day of October, 1940.

ARTICLE I. *Statement of work.* The Contractor shall, in the shortest possible time, furnish the labor, materials, tools, machinery, equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work: Construction of a complete cantonment including necessary buildings, temporary structures, utilities and appurtenances at Fort Devens, Ayer, Massachusetts.

It is estimated that the total cost of the construction work covered by this contract will be approximately eight million, seven thousand, five hundred and eighty nine dollars ($8,007,589.00), exclusive of the Contractor's fee.

In consideration for his undertaking under this contract the Contractor shall receive the following:

(a) Reimbursement for expenditures as provided in article II.

(b) Rental for Contractor's equipment as provided in article II.

(c) A fixed fee in the amount of two hundred forty-eight thousand two hundred thirty five dollars ($248,235.00) which shall constitute complete compensation for the Contractor's services, including profit and all general overhead expenses.

The Contracting Officer may, at any time, by a written order and without notice to the sureties, make changes in

[1] Approved by The Assistant Secretary of War October 16, 1940.

[1] Approved by the Under Secretary of War, May 6, 1941.

or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

The title to all work, completed or in the course of construction, shall be in the Government. Likewise, upon delivery at the site of the work or at an approved storage site and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed under article II, shall vest in the Government.

ART. III. *Payments—Reimbursement for cost.* The Government will currently reimburse the Contractor for expenditures made in accordance with article II upon certification to and verification by the Contracting Officer of the original signed pay rolls for labor, the original paid invoices for materials, or other original papers. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

Rental for contractor's equipment. Rental as provided in article II for such construction plant or parts thereof as the Contractor may own and furnish shall be paid monthly upon presentation of proper vouchers.

Payment of the fixed-fee. The fixed fee prescribed in article I shall be compensation in full for the services of the Contractor, including profit and all general overhead expenses. Ninety percent (90%) of said fixed-fee shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates made and approved by the Contracting Officer. Upon completion of the work and its final acceptance, any unpaid balance of the fee shall be paid to the Contractor.

ART. VI. *Termination of contract by Government.* Should the Contractor at any time refuse, neglect, or fail to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the Government to cease work under this contract, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

This contract is authorized by the following law:

Public, No. 703, 76th Congress, approved July 2, 1940.

Change Order No. E,[1] Dated April 14, 1941

Pursuant to the authority vested in the Contracting Officer under Article I of the contract above described, you, as contractor, are hereby directed to perform the work and services indicated below.

Add * * * to the description of the work now set forth in Article I of the principal contract.

Omit * * * from the description of the work now set forth in Article I of the principal contract.

The above will result in a net increase in the estimated construction cost and the Contractors' Fixed-fee as follows:

Increase the estimated construction cost by	$1,250,916
Total estimated cost, after deductions indicated above, including this change order	9,258,505
Total Fixed Fee including this change order	279,607
Increase in Construction Contractors' Fixed Fee	31,372

Funds are available under Procurement Authority No. QM 7511 P1–3211 A 0540.068–N.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–6250; Filed, August 21, 1941; 9:55 a. m.]

[Contract No. W 669 qm–12656; O. I. No. 41]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: PEERLESS WOOLEN MILLS, ROSSVILLE, GEORGIA

Contract for: Blankets, Wool, Olive Drab, * * *

Amount: $1,627,500.00.

Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

This contract, entered into this third day of July 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Blankets, Wool, Olive Drab for the consideration stated totaling one million, six hundred twenty-seven thousand, five hundred dollars ($1,627,500.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Delays—Damages. If the contractor refuses or fails to make delivery of acceptable material or supplies within the time or times specified in Article 1, or any extension or extensions thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay in the delivery of any articles, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Liquidated damages. Under the terms and conditions stipulated in Article 17 of this contract, the contractor shall pay to the Government, as liquidated damages, for each calendar day of delay in the delivery of any article, a sum equal to * * * percentum of the price of such article for each day's delay after the time specified for delivery.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P11–30 A 0515–2 the available balance of which is sufficient to cover cost of same.

This contract authorized under Procurement Directive No. P–E–1.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–6251; Filed, August 21, 1941; 9:56 a. m.]

[Contract No. W 6460–QM–10; O. I. #41–20723]

SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTOR: PERMANENT CONSTRUCTION CO. 208 SOUTH LASALLE STREET, CHICAGO, ILLINOIS

Contract for: Construction of Warehouse.

Amount: $1,657,300.00.

Place: Rock Island Arsenal, Illinois.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority QM 7471 P99 A 0540.067N the available balance of which is sufficient to cover the cost of same.

This contract, entered into this 16th day of June 1941.

Statement of work. The contractor shall furnish the materials and perform the work for the construction and completion of * * * warehouse, including utilities thereto at Rock Island Arsenal, Rock Island Illinois, for the consideration of one million, six hundred fifty seven thousand, three hundred dollars and no cents ($1,657,300.00) in strict accordance with the specifications, schedules, and drawings, all of which are made a part hereof.

Changes. The contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings and/or specifications of this contract and within the general scope thereof.

Delays—Damages. If the contractor refuses or fails to prosecute the work, or any separable part thereof, with such diligence as will insure its completion within the time specified in article 1, or any extension thereof, or fails to complete said work within such time, the Government may, by written notice to

[1] Approved by the Under Secretary of War, June 25, 1941.

the contractor, terminate his right to proceed with the work or such part of the work as to which there has been delay. If the Government does not terminate the right of the contractor to proceed, the contractor shall continue the work, in which event the actual damages for the delay will be impossible to determine and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay until the work is completed or accepted the amount as set forth in the specifications or accompanying papers and the contractor and his sureties shall be liable for the amount thereof.

Payments to contractors. Unless otherwise provided in the specifications, partial payments will be made as the work progresses at the end of each calendar month, or as soon thereafter as practicable, on estimates made and approved by the contracting officer. In preparing estimates the material delivered on the site and preparatory work done may be taken into consideration.

All material and work covered by partial payments made shall thereupon become the sole property of the Government.

Upon completion and acceptance of all work required hereunder, the amount due the contractor under this contract will be paid upon the presentation of a properly executed and duly certified voucher therefor.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-6252; Filed, August 21, 1941; 9:56 a. m.]

[Contract No. W 669 qm-12649; O. I. No. 34]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: CHATHAM MANUFACTURING CO., ELKIN, NORTH CAROLINA

Contract for: Blankets, Wool, Olive Drab, * * *.

Amount: $1,670,000.00.

Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

This contract, entered into this third day of July 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Blankets, Wool, Olive Drab, for the consideration stated totaling one million, six hundred seventy thousand dollars ($1,670,000.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Delays—Damages. If the contractor refuses or fails to make delivery of acceptable material or supplies within the time or times specified in Article 1, or any extension or extensions thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay in the delivery of any articles, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Liquidated damages. Under the terms and conditions stipulated in Article 17 of this contract, the contractor shall pay to the Government, as liquidated damages, for each calendar day of delay in the delivery of any article, a sum equal to * * * per centum of the price of such article for each day's delay after the time specified for delivery.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P11-30 A 0515-2 the available balance of which is sufficient to cover cost of same.

This contract authorized under Procurement Directive No. P-E-1.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-6253; Filed, August 21, 1941; 9:56 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1794-FD]

IN THE MATTER OF EDGAR MEEKS, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated July 1, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on July 5, 1941, by Bituminous Coal Producers Board for District No. 13, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on October 2, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Chancery Court Room, County Court House, Chattanooga, Tennessee.

It is further ordered, That Travis Williams or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

By selling and delivering on or about May 29, 1941, to Penn-Dixie Cement Co., located at Richard City, Tennessee, an undetermined tonnage of mine run size coal produced by the defendant at his Meeks Mine, Mine Index No. 979, at $2.10 per net ton f. o. b. destination, whereas this coal is classified as Size Group 7 and is priced at $2.35 per net ton f. o. b. the mine in the Schedule of Effective Minimum Prices for District No. 13 for Truck Shipments, which transaction consti-

tutes (a) a sale and delivery of coal at a price below the minimum therefor established by the Division and a violation of the Act and Code, and (b) a failure to add to said applicable minimum f. o. b. mine price an amount at least equal, as nearly as practicable, to the actual transportation charges, handling charges, or incidental charges of whatsoever kind or character (exclusive of customary costs of mine operation) from the transportation facilities at the mine to the point from which all such charges are assumed and directly paid by the Penn-Dixie Cement Co., the purchaser, as provided for by Price Instruction 7 in said Schedule.

Dated: August 19, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6255; Filed, August 21, 1941; 10:05 a. m.]

[Docket No. 1786-FD]

IN THE MATTER OF ANTON MANZAGOL, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated June 28, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on June 28, 1941, by Bituminous Coal Producers Board for District No. 11, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on October 3, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Council Chamber, City Building, Crawfordsville, Indiana.

It is further ordered, That W. A. Shipman or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, That the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That during the period from November 20, 1940, to February 7, 1941, both dates inclusive, the defendant sold and delivered to various purchasers an unspecified amount of 1¼" x ⅝" nut coal and ⅝" x 0 screenings produced at his Centennial Mine (Mine Index No. 336) located in Fountain County, Indiana, at prices of $1.75 per ton and 80 cents per ton, respectively, the effective minimum prices for such coals being $1.85 per ton and $1.45 per ton, respectively, f. o. b. the mine, as shown by the Schedule of Effective Minimum Prices for District No. 11 for Truck Shipments.

Dated: August 19, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6256; Filed, August 21, 1941; 10:06 a. m.]

[Docket No. A-936]

PETITION OF DISTRICT BOARD NO. 4 FOR THE REVISION OF THE EFFECTIVE PRICE CLASSIFICATIONS AND MINIMUM PRICES AND FOR THE ESTABLISHMENT OF ADDITIONAL PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 4

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named part;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on September 15 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before September 10, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 4 for the revision of the effective price classifications and minimum prices and the establishment of additional price classifications and minimum prices for

the coals of certain mines in District No. 4, and, more particularly, as follows:

1. For all shipments except truck:

(a) Subdistrict No. 2—Angelo, D. I., Mine Index No. 2538, and Driggs and Lewis, Mine Index No. 2643, to revise Price Classifications "O" to "Q" in Size Groups 7, 8, and 9.

(b) Subdistrict No. 3—Culgun Coal Co., Mine Index No. 36 to revise Price Clasifications "O" to "Q" in Size Groups 7 to 10, inclusive, and 12.

(c) Subdistricts No. 5—(1) Capcoe Coal Co., Mine Index No. 2048, to revise Price Classifications "K" to "O" in Size Groups 1 and 2.

(2) Haymaker, C. E., Mine Index No. 170, to revise Price Classifications "K" to "Q" in Size Groups 1 and 2 and to establish Price Classification "Q" in Size Group 10.

(3) Johnson, A. B. Mine Index No. 840, to change the subdistrict number for this mine from 5 to 7 and to revise Price Classifications "O" to "Q" in Size Groups 7, 8, 9, and 12.

2. For truck shipments:

(a) Subdistrict No. 3—Culgun Coal Co., Mine Index No. 36, to reduce the effective minimum prices 10 cents per net ton in Size Groups 7 and 8.

(b) Subdistrict No. 5—(1) Beres, Peter, Mine Index No. 2073, Capcoe Coal Co., Mine Index No. 2048, Haymaker, C. E., Mine Index No. 170, to reduce the effective minimum prices 15 cents per net ton in Size Groups 1 to 5, inclusive.

(2) Rush and Backus, Mine Index No. 2631, to change the subdistrict number for this mine from 5 to 6, and to reduce the effective minimum prices 15 cents per net ton in Size Groups 1 to 5, inclusive.

(c) Subdistrict No. 6—Downs & Company, Joseph, Mine Index No. 2100, to change the subdistrict number for this mine from 6 to 5 and to reduce the effective minimum prices 15 cents per net ton in Size Groups 1 to 5, inclusive.

Dated: August 19, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6257; Filed, August 21, 1941; 10:06 a. m.]

[Docket No. 1792-FD]

IN THE MATTER OF WALTER H. ELDRIDGE, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated July 1, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on July 5, 1941, by Bituminous Coal Producers Board for District No. 13, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on October 1, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division the Chancery Court Room, County Court House, Chattanooga, Tennessee.

It is further ordered, That Travis Williams or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

By selling and delivering on or about May 29, 1941, to Penn-Dixie Cement Co., located at Richard City, Tennessee, an undetermined tonnage of mine run size coal produced by the defendant at his mine, Mine Index No. 1083, at $2.10 per net ton f. o. b. destination, whereas this coal is classified as Size Group 7 and is priced at $2.35 per net ton f. o. b. the mine in the Schedule of Effective Minimum Prices for District No. 13 for Truck Shipments, as amended by Order of the Director entered in Docket No. A-240, dated December 13, 1940, which transaction constitutes (a) a sale and delivery of coal at a price below the minimum therefor established by the Division and a violation of the Act and Code, and (b) a failure to add to said applicable minimum f. o. b. mine price an amount at least equal, as nearly as practicable, to the actual transportation charges, handling charges, or incidental charges of whatsoever kind or character (exclusive of customary costs of mine operation) from the transportation facilities at the mine to the point from which all such charges are assumed and directly paid by Penn-Dixie Cement Co., the purchaser, as provided for by Price Instruction 7 in said Schedule.

Dated: August 19, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6258; Filed, August 21, 1941; 10:06 a. m.]

[Docket No. 1795-FD]

IN THE MATTER OF TENNESSEE RIVER COAL COMPANY, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated July 1, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on July 5, 1941, by Bituminous Coal Producers Board for District No. 13, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on September 30, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Chancery Court Room, County Court House, Chattanooga, Tennessee.

It is further ordered, That Travis Williams, or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he

may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That during the period of October 1, 1940, to May 27, 1941, both dates inclusive, the defendant sold and delivered approximately 87 net tons of 3" x 1½" size coal, and approximately 251 net tons of 1½" x ½" size coal, produced by the defendant at its Cumberland Mine, Mine Index No. 728, located in Rhea County, Tennessee, District No. 13, to the Holtzclaw Apartments, Chattanooga, Tennessee, which is approximately 40 miles from defendant's mine, at a delivered price of $3.25 per net ton and $2.75 per net ton, respectively, whereas this coal was classified as Size Groups 2 and 5, and priced at $3.25 per net ton and $2.60 per net ton f. o. b. the mine, respectively, in the Schedule of Effective Minimum Prices for District No. 13 for Truck Shipments, to which prices must be added an amount equal, as nearly as practicable, to the actual transportation charges, handling charges, or incidental charges of whatsoever kind or character (exclusive of customary costs of mine operation), from the transportation facilities at the mine to the point from which all such charges are assumed and directly paid by the purchaser, as provided for by Price Instruction 7 in said schedule.

Dated: August 19, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6259; Filed, August 21, 1941; 10:06 a. m.]

[Docket No. 619-FD]

IN THE MATTER OF THE APPLICATION OF SOUTHWEST COAL COMPANY FOR PROVISIONAL APPROVAL AS A MARKETING AGENCY; AND IN RE THE MODIFICATION AND AMENDMENT OF THE ORDER GRANTING APPLICANT PROVISIONAL APPROVAL AS A MARKETING AGENCY

ORDER POSTPONING HEARING

Applicant, Southwest Coal Company, a marketing agency, previously granted provisional approval pursuant to Section 12 of the Bituminous Coal Act of 1937, having been required by an Order dated July 28, 1941, to show cause why its provisional approval should not be modified in certain specified respects; and

The matter having been assigned for hearing on September 24, 1941; and

It now appearing appropriate that the hearing should be postponed to a later date;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from September 24, 1941, until 10 a. m., October 28, 1941, at the place and before the officers previously designated.

Dated: August 19, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6260; Filed, August 21, 1941; 10:06 a. m.]

[Docket No. 1817-FD]

IN THE MATTER OF MALONE COAL COMPANY (W. R. MALONE), DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated July 24, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on July 25, 1941, by Bituminous Coal Producers Board for District No. 3, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on September 24, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Post Office Building, Clarksburg, West Virginia.

It is further ordered, That Travis Williams or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That during the month of October 1940, the defendant sold to the Barbour County Court, located at Philippi, West Virginia, an unspecified amount of mine run coal produced at Meriden No. 3 Mine (Mine Index No. 666), located in Barbour County, West Virginia, at the price of $1.1875 per net ton, whereas the effective minimum price for such coal was $1.78

per net ton f. o. b. the mine, as shown by the Schedule of Effective Minimum Prices for District No. 3 for Truck Shipments.

Dated: August 20, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–6261; Filed, August 21, 1941; 10:07 a. m.]

[Docket No. 1810–FD]

IN THE MATTER OF R. D. ALLMAN, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated July 24, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on July 25, 1941, by Bituminous Coal Producer's Board for District No. 3, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on September 24, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Post Office Building, Clarksburg, West Virginia.

It is further ordered, That Travis Williams or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling and delivering to the Lewis County Courthouse, Weston, West Virginia, during October and November, 1940, an unspecified number of tons of double screened coal 2" down to ¾", produced at a mine bearing Mine Index No. 504 in Lewis County, West Virginia at a delivered price of $1.75 per net ton, whereas the applicable minimum price as contained in the Schedule of Effective Minimum Prices for District No. 3, For Truck Shipment was $2.18 per net ton, f. o. b. the mine, plus an amount at least equal, as nearly as practicable, to the actual transportation, handling or incidental charges of whatsoever kind or character (exclusive of customary costs of mine operations) from the transportation facilities at said mine to the point from which all such charges were assumed and directly paid by the purchaser.

Dated: August 20, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–6262; Filed, August 21, 1941; 10:07 a. m.]

[Docket No. 1809–FD]

IN THE MATTER OF R. M. CARSON, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated July 24, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on July 25, 1941, by Bituminous Coal Producer's Board for District No. 3, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on September 25, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Post Office Building, Clarksburg, West Virginia.

It is further ordered, That Travis Williams, or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

Section 4 II (e) of the Act and Part II (e) of the Code by selling and delivering to George Aylor, a trucker, 100 bushels (4 tons) of mine run coal since September 30, 1940, produced at the Lancaster Mine, Mine Index No. 805,

Lewis County, West Virginia, for the sum of $4.50 or $1.125 per net ton, the effective minimum price for this grade of coal at the time of sale being $1.83 per net ton f. o. b. the mine.

Dated: August 20, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6263; Filed, August 21, 1941; 10:07 a. m.]

[Docket No. 1793-FD]

IN THE MATTER OF HERMAN SANDERS, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated July 1, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on July 5, 1941, by Bituminous Coal Producers Board for District No. 13, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on October 2, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Chancery Court Room, County Court House, Chattanooga, Tennessee.

It is further ordered, That Travis Williams or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, That answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

By selling and delivering on or about May 9, 1941 to Penn-Dixie Cement Co., located at Richard City, Tennessee, an undetermined tonnage of mine run size coal produced by the defendant at his Sanders Mine, Mine Index No. 1070, at $2.10 per net ton f. o. b. destination, whereas this coal is classified as Size Group 7 and priced at $2.35 per net ton f. o. b. the mine in the Schedule of Effective Minimum Prices for District No. 13 for Truck Shipments, which transaction constitutes (a) a sale and delivery of coal at a price below the minimum therefor established by the Division and a violation of the Act and Code, and (b) a failure to add to said applicable minimum f. o. b. mine price an amount at least equal, as nearly as practicable, to the actual transportation charges, handling charges, or incidental charges of whatsoever kind or character (exclusive of customary costs of mine operation) from the transportation facilities at the mine to the point from which all such charges are assumed and directly paid by Penn-Dixie Cement Co., the purchaser, as provided for by Price Instruction 7 in said Schedule.

Dated: August 20, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6264; Filed, August 21, 1941; 10:07 a. m.]

[General Docket No. 22]

IN THE MATTER OF MARKETING RULES AND REGULATIONS INCIDENTAL TO THE SALE AND DISTRIBUTION OF COAL BY CODE MEMBERS AS ESTABLISHED BY THE DIVISION FOR DISTRICTS 1-20, INCLUSIVE, 22 AND 23; IN RE A PROPOSAL TO REVIEW AND REVISE THE MARKETING RULES AND REGULATIONS AS ESTABLISHED BY THE DIVISION

NOTICE OF AND ORDER FOR HEARING

The Director of the Bituminous Coal Division having, on the 8th day of August, 1940, in General Docket No. 15, established Marketing Rules and Regulations for the sale and distribution of coal by code members in all districts, pursuant to the Bituminous Coal Act of 1937; and

It appearing that it is reasonable and necessary for the proper administration of said Act that, pursuant to the authority conferred by the last sentence of section 4 II (b) of said Act, the aforesaid Marketing Rules and Regulations established by the Director on August 8, 1940, be revised and amended by revising and amending Rule 8 of section XII to read as follows:

All coal confiscated in transit shall be invoiced to the carrier at not less than the applicable minimum f. o. b. mine price for such coal for sale to the carrier: *Provided, however,* That such price shall not be subject to any deductions for trackage, switching, or other transportation charges, nor any off-line freight charges.

All coal lost in transit shall be invoiced to the carrier at not less than the market value of the coal at destination; but in no event less than the applicable minimum price for sale at destination.

It appearing desirable that evidence relating to the reasonableness of and the necessity for the proposed rule should be received;

It is therefore ordered, That on September 22, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 15th Street Northwest, Washington, D. C., a hearing will be held at which evidence will be received relating to the reasonableness of and necessity for the revision and amendment of the Marketing Rules and Regulations as hereinbefore provided. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the

premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all persons who may have an interest in the subject matter thereof. Any person desiring to be heard at such hearing shall file a notice to that effect on or before September 18, 1941, setting forth therein the nature of his interest and a concise statement of the matter he intends to present.

All persons are further notified that the hearing in the above-entitled matter and any Orders therein, may concern, in addition to the matters specifically stated in the proposed amendment and revision of Rule 8 of section XII of the Marketing Rules and Regulations, other matters necessarily incidental and related thereto which may be raised by the amendment and revision of the Marketing Rules and Regulations as proposed herein, petitions of interested parties, or otherwise, or which may be necessary corollaries to the proposed amendment and revision of Rule 8 of section XII of the Marketing Rules and Regulations.

Dated: August 19, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6265, Filed, August 21, 1941; 10:08 a. m.]

[Docket No. A-799]

PETITION OF DISTRICT BOARD 11 FOR THE ESTABLISHMENT OF TEMPORARY PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR 2,500 TONS OF THIRD VEIN COAL TO BE PRODUCED BY THE PYRAMID COAL CORPORATION, BOBOLINK MINE, A CODE MEMBER IN DISTRICT NO. 11, AND WASHED AT THE CHINOOK MINE OF THE AYRSHIRE PATOKA COLLIERIES CORPORATION, WHICH COAL HAS NOT HERETOFORE BEEN CLASSIFIED AND PRICED, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER DISMISSING PETITION AND TERMINATING TEMPORARY RELIEF

An original petition having been filed in this proceeding by District Board No. 11 for the establishment of temporary minimum prices for 2,500 tons of Third Vein coal produced from the property of the Bobolink Mine of the Pyramid Coal Corporation, a code member in District No. 11, and washed at the Chinook Mine of the Ayrshire Patoka Collieries Corporation; and

The Director, pursuant to an Order dated April 22, 1941, having granted temporary relief effective only for approximately 2,500 tons of coal, and providing that District Board No. 11 should notify the Division when the sale of this coal has been completed, and providing that upon receipt of the aforesaid notification this relief shall be terminated; and

District Board No. 11 having by a notice dated July 30, 1941, notified the Division that the Pyramid Coal Corporation has completed the sale of coal pursuant to the Director's Order dated April 22, 1941;

Now, therefore, it is ordered, That the original petition in this proceeding be and it is hereby dismissed.

It is further ordered, That the temporary relief granted by the Director's Order dated April 22, 1941, be and the same hereby is terminated.

Dated: August 19, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6266; Filed, August 21, 1941; 10:08 a. m.]

[Docket No. A-766]

PETITION OF CONSUMERS' COUNSEL DIVISION FOR TEMPORARY AND PERMANENT ORDERS MODIFYING THE SEASONAL DISCOUNT PROVISIONS APPLICABLE TO SHIPMENTS FROM DISTRICTS 7, 8, AND 13 INTO MARKET AREA 126

ORDER DENYING RELIEF

A petition having been filed pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 with the Bituminous Coal Division by the Consumers' Counsel Division seeking temporary and permanent relief authorizing sales of domestic sizes of coal of Districts 7, 8, and 13, for shipment into Market Area 126 during the months of April to August, inclusive, at the discounts now in effect for the month of April;

Petitions of intervention having been filed by District Boards 7 and 13;

A hearing having been held in this matter, pursuant to an Order of the Director and after notice to all interested persons before a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C., and all interested persons having been afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

All parties having waived the preparation and filing of a report of the Examiner and the record having thereupon been submitted to the Director;

The Director having made Findings of Fact and Conclusions of Law and having rendered an Opinion which are filed herewith;

Now, therefore, it is ordered, That the prayer for relief contained in the petition filed herein be, and it hereby is denied.

Dated: August 20, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6267; Filed, August 21, 1941; 10:08 a. m.]

[Docket No. A-429]

PETITION OF MCCLANE MINING COMPANY, A PRODUCER IN DISTRICT 2, FOR A CHANGE IN MINIMUM PRICES

ORDER DENYING RELIEF

A petition having been filed with the Bituminous Coal Division, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937, by the McClane Mining Company, a code member producer in District 2, requesting a change in the classification of coals produced at its Rich Hill Mine (Mine Index No. 334) for shipment to destinations in all market areas;

Petitions of intervention having been filed by District Board 2 and District Board 6;

An informal conference having been held and temporary relief having been denied;

A hearing in this matter having been held pursuant to Orders of the Director, before a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross examine witnesses, and otherwise be heard, and the petitioner and District Boards 2 and 6 having appeared thereat;

The preparation and filing of a report by the Examiner having been waived by all parties, and the matter thereupon having been submitted to the undersigned;

The Director having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That the prayer for relief contained in the petition herein be, and it hereby is, denied.

Dated: August 19, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6268; Filed, August 21, 1941; 10:09 a. m.]

DEPARTMENT OF AGRICULTURE.

Surplus Marketing Administration.

[Docket No. AO 83-A 3]

NOTICE OF HEARING WITH RESPECT TO A PROPOSAL TO AMEND THE MARKETING AGREEMENT, AS AMENDED, AND ORDER NO. 34, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE LOWELL-LAWRENCE, MASSACHUSETTS, MARKETING AREA

Notice is hereby given of a hearing to be held in the Assembly Hall, Oliver School, 181 Haverhill Street, Lawrence, Massachusetts, at 10:00 a. m., e. d. s. t., August 28, 1941, with respect to proposed amendments to the marketing agreement, as amended, and Order No. 34, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area.

This notice is given pursuant to the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and of the General Regulations, Series A, No. 1, as amended, of the Agricultural Ad-

justment Administration, United States Department of Agriculture.

This public hearing is for the purpose of receiving evidence as to the necessity for increasing the price of Class I milk by 70¢ per hundredweight, as proposed by the New England Milk Producers' Association.

Copies of the proposed amendments may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C., in Room 0310, South Building, or may be there inspected.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

Dated: August 20, 1941.

[F. R. Doc. 41-6285; Filed, August 21, 1941; 11:45 a. m.]

[Docket No. AO 14-A 8]

NOTICE OF HEARING WITH RESPECT TO A PROPOSAL TO AMEND THE TENTATIVELY APPROVED MARKETING AGREEMENT, AS AMENDED, AND ORDER NO. 4, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE GREATER BOSTON, MASSACHUSETTS, MARKETING AREA

Notice is hereby given of a hearing to be held in Fuller Hall, St. Johnsbury Academy, St. Johnsbury, Vermont, beginning at 10:00 a. m., e. d. s. t., August 26, 1941, and in Gardners Auditorium, State House, Boston, Massachusetts, beginning at 10:00 a. m., e. d. s. t., August 27, 1941, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and Order No. 4, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area.

This notice is given pursuant to the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and of the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture.

This public hearing is for the purpose of receiving evidence as to the necessity for increasing the price of Class I milk by 70¢ per hundredweight, as proposed by the New England Milk Producers' Association, or by 46½¢ per hundredweight, as proposed by the New England Dairies, Inc., and others.

Copies of the proposed amendments may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C., in Room 0310, South Building, or may be there inspected.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

Dated: August 20, 1941.

[F. R. Doc. 41-6286; Filed, August 21, 1941; 11:46 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order No. 124]

ACCEPTANCE OF RESIGNATION FROM AND APPOINTMENT TO INDUSTRY COMMITTEE NO. 35 FOR THE SHOE MANUFACTURING AND ALLIED INDUSTRIES

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Baird Snyder, Acting Administrator of the Wage and Hour Division, Department of Labor,

Do hereby accept the resignation of Mr. George A. Dempsey from Industry Committee No. 35 for the Shoe Manufacturing and Allied Industries and do appoint in his stead, as representative for the employers on such Committee, Mr. James F. Malley, of Dover, New Hampshire.

Signed at Washintgon, D. C., this 20th day of August 1941.

BAIRD SNYDER,
Acting Administrator.

[F. R. Doc. 41-6278; Filed, August 21, 1941; 11:31 a. m.]

NOTICE OF CONFIRMATION OF SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE TEXTILE INDUSTRY

Notice is hereby given that a special certificate for the employment of three learners issued to the Globe Sanitary Products Corporation, Jersey City, New Jersey, effective on December 2, 1940, has been ordered confirmed as the result of a show cause hearing on cancellation held on July 12, 1941. The questions considered at the hearing were those of reported violations of the certificate and whether the certificate was erroneously issued, it having been held at the time of issuance that the company's product of manufacture, wiping cloths, came within the definition of the Textile Industry as defined by the Wage and Hour Division. It having been found that violations committed can be adequately handled as an enforcement matter by the Regional Office and that the certificate was properly issued, a Findings and Determination has been entered allowing it to continue in force and effect.

Any party aggrieved by the action here recorded, may within fifteen days file with the Administrator a petition for a reconsideration or review.

Signed at Washington, D. C., this 14th day of August 1941.

ALEX G. NORDHOLM,
Authorized Representative of the Administrator.

[F. R. Doc. 41-6279; Filed, August 21, 1941; 11:31 a. m.]

NOTICE OF OPPORTUNITY TO PETITION FOR REVIEW OF THE DETERMINATION IN THE MATTER OF APPLICATIONS FOR THE EXEMPTION OF THE HANDLING, PACKING, SHELLING, OTHER PROCESSING AND THE STORING OF ALMONDS FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938 AS INDUSTRIES OF A SEASONAL NATURE

Whereas applications were filed by the National Pecan Growers Exchange of Albany, Georgia, the North Pacific Nut Growers Cooperative of Dundee, Oregon, the Dundee Nut Drying Cooperative of Dundee, Oregon, the Macon Peanut and Storage Company of Macon, Georgia, and sundry other parties for the exemption of the handling, packing, shelling or other processing or storing of pecans, filberts, other tree nuts and peanuts as industries of a seasonal nature, pursuant to section 7 (b) (3) of the Act and Part 526, as amended, of the regulations issued thereunder; and

Whereas the Administrator of the Wage and Hour Division gave notice of a public hearing to be held at the Willard Hotel, Washington, D. C., on September 16, 1940, before Mr. Harold Stein, who was authorized to take testimony, hear argument and determine:

Whether the handling, packing, shelling or other processing, or storing of pecans, filberts, other tree nuts, or peanuts, or any subdivisions or combinations thereof are industries of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526, as amended, of the regulations issued thereunder, and if so, the appropriate limits of such industries.

Whereas following such hearing the said Harold Stein duly made his findings of fact and determined in regard to almonds as follows:

1. Approximately two-thirds of the annual crop of almonds are shelled or processed after being received from the producer, the balance of almonds being marketed as unshelled almonds.

2. The shelling and other processing of almonds is not of a seasonal nature within the meaning of this term set forth in § 526.3 (b) of the regulations as the shelled or otherwise processed almonds are no longer in their raw and natural state and therefore neither the receiving for shelling and processing, nor the shelling and processing operations can be considered to be the "packing or storing of agricultural commodities in their raw and natural state."

3. The shelling and other processing of almonds is not of a seasonal nature within the meaning of this term set forth in § 526.3 (a) of the regulations because the concentrated shelling and other processing of almonds during an annually recurring five or six month period each year is not the result of climatic or other natural conditions rendering the almonds unavailable, but is caused primarily by demand sales requirements, or trade customs.

4. For the reasons stated above, the shelling and other processing of almonds

is not an industry or a branch of an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act and Part 526 as amended of the regulations thereunder.

5. The shelling and processing, and the packing and storing of unshelled almonds are carried on in the same plants, often by the same employees, and it is impossible to segregate the packing and storing of almonds in their unshelled form as a separable branch of the almond industry—and for this reason the packing and storing of unshelled almonds is not an industry or a branch of an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act and Part 526 of the regulations issued thereunder.

Application is therefore denied.

Whereas said findings and determination were duly filed with the Administrator on August 15, 1941, and are now on file in Room 5418, Department of Labor Building, Washington, D. C., and are available for examination by all interested parties.

Now, therefore, pursuant to the provisions of § 526.7 of the aforesaid regulations, notice is hereby given that any person aggrieved by the said determination may, within fifteen days after the date this notice appears in the FEDERAL REGISTER, file a petition with the Administrator requesting that he review the action of the said representative upon the record of hearing before the said representative.

Signed at Washington, D. C., this 19th day of August 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-6280; Filed, August 21, 1941; 11:31 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-382]

IN THE MATTER OF COLORADO CENTRAL POWER COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21 day of August, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party or parties; and

Notice is further given that any interested person may, not later than September 5, 1941 at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Colorado Central Power Company, a subsidiary of Crescent Public Service Company, a registered holding company, proposes to effect a reduction in the rate of interest payable by Colorado Central Power Company on $704,000 principal amount of its First Mortgage 4¼% Bonds, Series A due May 1, 1959 from the present rate of 4¼% per annum to 3¾% per annum with the consent of John Hancock Mutual Life Insurance Company, the holder of all of the said bonds.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Recording Secretary.

[F. R. Doc. 41-6273; Filed, August 21, 1941; 11:26 a. m.]

[File No. 1-853]

IN THE MATTER OF PROCEEDING UNDER SECTION 19 (a) (2) OF THE SECURITIES EXCHANGE ACT OF 1934 TO DETERMINE WHETHER THE REGISTRATION OF NORTH EUROPEAN OIL CORPORATION COMMON STOCK, $1 PAR VALUE SHOULD BE SUSPENDED OR WITHDRAWN

FINDINGS AND ORDER OF THE COMMISSION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 20th day of August, A. D. 1941.

Appearances: Edmund H. Worthy and James C. Bernhardt, for the Registration Division of the Commission.

Carl H. Ehlers, for the registrant.

This proceeding was instituted by the Commission, pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934, to determine whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding 12 months or to withdraw the registration and listing of the common stock, $1 par value, of North European Oil Corporation on the New York Curb Exchange, a national securities exchange. The registrant has a total of 1,692,291 shares of this stock listed on the New York Curb Exchange.

The order instituting the proceeding set forth as the issues to be determined in the hearing.

1. Whether the registrant has failed to comply with section 13 (a) of the Act and the Commission's rules promulgated thereunder

(a) In failing to include in its annual report on Form 10-K for the fiscal year ended December 31, 1939, the financial statements required by Item 8 of the said Form 10-K, and

(b) In failing to file its annual report for the fiscal year ended December 31, 1940, within the time prescribed by the statute and rules; and

2. If so, whether it is necessary or appropriate for the protection of investors to suspend or withdraw the registration of its common stock.

After appropriate notice to the registrant, the New York Curb Exchange, and the public, a hearing was held before a trial examiner in New York City. The trial examiner filed an advisory report in which he found that, in contravention of section 13 (a) of the Act and the Commission's rules thereunder, the registrant failed to file its annual report for the fiscal year ended December 31, 1940, within the time prescribed by the statute and the Commission's rules,[1] and that in its annual reports on Form 10-K for both the fiscal years ended December 31, 1939 and 1940, the issuer failed to include the financial information required by the Form. No exceptions to the trial examiner's report have been filed and no objection to the withdrawal of listing and registration has been made by either the New York Curb Exchange or the registrant. Upon an independent review of the record, we adopt the aforementioned findings of the trial examiner as being in accord with the evidence.

The registrant is a corporation organized under the laws of the State of Delaware. Its sole business is that of acting as a holding company for a German subsidiary. The secretary-treasurer of the registrant testified that the company has practically no assets except its interest in the German concern and that, because of war conditions and censorship, the registrant has been unable to get any information from Germany as to the condition of the subsidiary company, its assets, operating statements, or profits and loss. He testified further that the registrant's bank balance amounted to $2.43.

Trading in the stock of the registrant has been suspended by the New York Curb Exchange since May 15, 1940, because of the registrant's inability "to issue an adequate informative report." Prior to such suspension, there was very little trading; in fact, during the greater portion of the six months' period just prior to suspension there were no transactions reported.

The Securities Exchange Act of 1934 contemplates that trading in securities on a national securities exchange should be permitted only where there is a public file of accurate and current information regarding the issuer of such securities. Under the circumstances of this case, we do not believe that we can permit the continuance of listing where the registrant is unable to meet the re-

[1] Under Rule X-13A-1 the registrant is required to file its annual reports not more than 120 days after the close of its fiscal year. The annual report for the year ended December 31, 1940, which should have been filed on or before April 30, 1941, was not filed until June 11, 1941, after the institution of this proceeding.

quirements of the statute and has failed to supply current financial information with respect to the subsidiary which represents practically its entire assets.

We find that the registrant has failed to comply with the statute and the rules thereunder in the respects noted above, and that it is necessary and appropriate for the protection of investors that the listing be withdrawn. Accordingly, it is ordered that the listing and registration of the common stock, $1 par value, of the North European Oil Corporation on the New York Curb Exchange, a national securities exchange, be and it hereby is withdrawn.

By the Commission (Chairman Eicher and Commissioners Healy and Pike), Commissioners Purcell and Burke being absent and not participating.

[SEAL] ORVAL L. DUBOIS,
Recording Secretary.

[F. R. Doc. 41-6274; Filed, August 21, 1941; 11:26 a. m.]

[File No. 812-184]

IN THE MATTER OF COMMONWEALTHS DISTRIBUTION, INC.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 20th day of August, A. D. 1941.

An application having been filed by the above named applicant under and pursuant to the provisions of section 6 (c) for an exemption from the provisions of sections 8 (b) and 30 (d) of the Investment Company Act of 1940;

It is ordered, That a hearing on the aforesaid application be held on August 29, 1941 at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1101 will advise interested parties where such hearing will be held;

It is further ordered, That Willis E. Monty, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside on such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Recording Secretary.

[F. R. Doc. 41-6275; Filed, August 21, 1941; 11:26 a. m.]

[File No. 811-280]

IN THE MATTER OF CARIB SYNDICATE, LIMITED

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of August, A. D. 1941.

An application having been filed by the above named applicant under and pursuant to the provisions of section 6 (c) for an exemption from the provisions of sections 8 (b) and 30 (d) of the Investment Company Act of 1940;

It is ordered, That a hearing on the aforesaid application be held on August 29, 1941 at 10:30 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1101 will advise interested parties where such hearing will be held;

It is further ordered, That Willis E. Monty, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside on such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Recording Secretary.

[F. R. Doc. 41-6276; Filed, August 21, 1941; 11:27 a. m.]

[File No. 70-384]

IN THE MATTER OF NEW ENGLAND GAS AND ELECTRIC ASSOCIATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of August, A. D. 1941.

Notice is hereby given that an application and declaration have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party; and

Notice is further given that any interested party may not later than August 23, 1941, at 1:15 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration and application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested parties are referred to said application and declaration, which are on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

The applicant and declarant, a registered holding company, proposes to acquire $55,000 in cash and 4,147 shares of its $5.50 preferred shares, pursuant to an Agreement between Stanley Clarke, et al., and New England Gas and Electric Association and Howard C. Hopson, et al., dated as of August 4, 1941. On August 18, 1941, this Commission issued a notice regarding a filing subject to Rule U-23, In the Matter of Stanley Clarke, Trustee of Associated Gas and Electric Company, and Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, File No. 70-385, which referred to the acquisition of "certain securities and other assets * * * pursuant to an agreement dated August 4, 1941, constituting * * * a settlement of the claims of applicants and declarants and of all direct and indirect subsidiaries of Associated Gas and Electric Corporation against Howard C. Hopson" and which adverted to "the assets to be transferred, paid over and delivered * * * as a part of the Settlement Agreement * * * to New England Gas and Electric Association as provided in Paragraph 39 (b) of the Settlement Agreement." The present filing covers the initial delivery of such "assets" to the applicant and declarant and is limited thereto. Reference is also made in the Commission's notice in File No. 70-385 of the general program of which the proposed transfer is a part.

The applicant and declarant does not consider the delivery to it of such cash and securities as coming within the ambit of the Act, but it considers that sections 9 (a) and 12 (c) of the Act as possibly being applicable thereto. If 9 (a) is applicable, it tenders its filing as an application pursuant to section 9 (c) (3) for exemption of such acquisition from the provisions of section 9 (a). If section 12 (c) is applicable, it tenders such filing as a declaration pursuant to such Section of the Act.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-6277; Filed, August 21, 1941; 11:27 a. m.]